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W.P.(MD)NO.8637 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8637 of 2023

V.Arumugam

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by Secretary to Government,
Public Service (B2) Department,
Secretariat, Chennai.
2. The Secretary,
Rural Development and Panchayat Raj Department,
Chennai.
3. The Commissioner,
Rural Development and Panchayat Raj Department,
Chennai.
4. The District Collector,
Dindigul District,
Dindigul.
5. The Commissioner,
Dindigul Panchayat Union,
Dindigul.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to consider and to appoint the petitioner as



Deputy Block Development Officer or in other equivalent post by relaxing the provisions of Tamil Nadu Ministerial Service Rules by providng suitable promotional opportunities to the petitioner based on the representation dated 15.03.2023 within the time frame fixed by this Court.

For Petitioner : Mr.S.Ramanathan

For R-1 to R-4 : Mr.G.Suriyananth,
Additional Government Pleader.

For R-5 : Mr.D.Sadiq Raja

* * *

ORDER

The prayer sought for by the petitioner cannot be granted. He is working as Driver. He wants to be promoted as Deputy Block Development Officer. Service rules do not provide for the same. Of course there is substance in the contention of the petitioner's counsel that the petitioner may have at least one promotional avenue. He filed W.P.(MD)No. 9482 of 2009 and it was allowed on 09.01.2014. The Hon'ble Division Bench vide order dated 18.12.2015 in W.A.(MD)No.1234 of 2015 set aside the order passed by the learned Single Judge and allowed the writ appeal. Paragraph



No.28 of the order reads as us under:-

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“Accordingly, the writ appeals are allowed, setting aside the orders of the learned Judge but directing the first appellant to examine the claim of the drivers of the Department under Rule 3(g) of the Special Rules for Tamil Nadu Ministerial Service both with reference to the proviso to category 14 of Rule 2 and with reference to the single service rules. The Government may examine the issue and pass appropriate order (i) taking note of the plight of the drivers whose counterparts in other departments are entitled to the benefit and (ii) also taking note of the impact that the ground of this concession may have upon the filed level posts. Orders may be passed within three months. No costs. Consequently, M.P.(MD)No.2 and 3 of 2015 are closed.”

2. Pursuant to the said order, memo dated 31.10.2016 was passed negating the petitioner's claim for promotion to the post of Junior Assistant. Challenging the same, the



petitioner has come out with the present writ petition.

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3. The prayer is misconceived. The petitioner has to necessarily challenge the said order dated 31.10.2016 or he may word the writ prayer appropriately. Granting liberty to the petitioner to file a fresh petition, this writ petition stands dismissed. No costs.

27.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The Secretary to Government,
Public Service (B2) Department,
Secretariat, Chennai.
2. The Secretary,
Rural Development and Panchayat Raj Department,
Chennai.
3. The Commissioner,
Rural Development and Panchayat Raj Department,
Chennai.
4. The District Collector,
Dindigul District,
Dindigul.



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G.R.SWAMINATHAN,J.

PMU

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