



W.P.(MD)No.7012 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.7012 of 2018

and

W.M.P.(MD).Nos.6705 and 6706 of 2018

Mr.Sundarajan

... Petitioner

Vs.

1.The Director of Rural Development and
Panchayat Raj Department,
Panagal Building,
Saidapet,
Chennai.

2.The District Collector,
Madurai District,
Madurai.

3.The Block Development Officer,
Usilampatti Panchayat Union,
Madurai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in



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Roc.No.50761/2016/G.G.2.4 dated 30.11.2017 and quash the same and consequently directing the 1st and 2nd respondents to grant promotion to the petitioner on par with his juniors as Block Development Officer notionally with concomitant pensionary benefits in accordance with the panel already drawn by the District Collector, Madurai in Na.Ka.No.14005/2012/Oo.Va.4 dated 04.04.2012 within a time frame as fixed by this Court.

For Petitioner : M/s.W.Pamelin
For R1 & R2 : Mr.S.P.Maharajan
Special Government Pleader
For R3 : No appearance

ORDER

This writ petition has been filed challenging the impugned order passed by the 1st respondent dated 30.11.2017 and to quash the same and consequently direct respondents 1 and 2 to grant promotion to the petitioner on par with his juniors as Block Development Officer notionally with concomitant pensionary benefits, in accordance with the panel already drawn by the District Collector, Madurai, dated 04.04.2012.



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2. The case of the petitioner is that he joined in the Revenue Department in the year 1983. Thereafter, for want of vacancy, he was joined as Junior Assistant in the Rural Development Department in the year 1987. While he was working as the Deputy Block Development Officer, Vadipatti Panchayat Union, Madurai District, he was suspended from service by the District Collector, dated 04.04.2012. Thereafter, he was charged under Rule 17(b) of the Tamil Nadu Civil Services Discipline and Appeal Rules and a punishment of Censure was awarded by the District Collector, vide proceedings dated 11.03.2013. Hence, the petitioner has preferred an appeal before the Commissioner of Rural Development and Panchayat Raj, who in turn upheld the order of the District Collector, dated 22.04.2014. In the mean while, the petitioner was not given promotion. Therefore, he has made a representation to the respondents 1 and 2, to give promotion on par with his juniors in the panel dated 04.04.2012. However, the said representation was rejected by the first respondent vide impugned order dated 30.11.2017, on the ground that at the time of actual promotion, there was a punishment against him. Challenging the same, the present writ petition has been filed.



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3. The learned counsel appearing for the petitioner would submit that as against the order of punishment, which was confirmed by the Commissioner of Rural Development and Panchayat Raj, the petitioner has filed a writ petition before this Court in W.P.(MD).No.13701 of 2016 and the same was dismissed on 02.08.2016, on the ground of laches. Against which, the petitioner has preferred a writ appeal before this Court and the same is pending in S.R. stage.

4. The learned Special Government Pleader appearing for the respondents 1 and 2 would submit that at the time of actual promotion, the petitioner was imposed with the punishment of censure and hence, he was not given promotion. He would further submit that the order of the first respondent is perfectly legal and in accordance with the Rules and vogue and the petitioner has alternative remedy of preferring revision before the Government in Rural Development and Panchayat Raj Department. Hence, he is not entitled for the discretionary relief of this Court and he prayed for dismissal of this writ petition.



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5. In view of the above, this Writ Petition is dismissed giving liberty to the petitioner to pursue his remedy, after disposal of the writ appeal filed by him. No costs. Consequently, the connected Miscellaneous Petitions are closed.

02.03.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

akv



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