



W.P.(MD) No.3712 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2023

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD) No.3712 of 2016
and W.M.P(MD).No.3337 of 2016

K.Rajendran

... Petitioner

Vs.

1.The Director of Rural Development and Panchayat Raj,
Panagal Building,
Saidapet,
Chennai-600 015.

2.The District Collector,
Dindigul District,
Dindigul.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings issued by the second respondent in Na.Ka.No.3420/2015/Voo.va dated 18.02.2015 and quash the same and consequently direct the respondents to promote the petitioner to the post of BDO and Assistant Director of Rural Development on par with his junior Thiru.K.Thirukoodaipandiyan on notional basis with consequential and



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other attendant benefits including payment of arrears of salary and revision of pension and other benefits within a time frame to be fixed by this Court.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.T.Ajmadkhan
Government Advocate

ORDER

The petitioner was recruited by the Tamil Nadu Public Service Commission in Group-IV Services in the year 1983. He was allotted to the Public Works Department, and he joined duty as Junior Assistant on 28.05.1985. He was ousted from service for want of vacancy and later was allotted to Salem District Rural Development Unit. The Salem District Rural Development Unit posted this petitioner as Junior Assistant in Sankari Panchayat Union, Salem District. In such post, he joined duty on 16.12.1985.

2. The petitioner made a representation to the respondents seeking for transfer from Salem to Dindigul. Acting on his request, on 03.03.1998,



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the petitioner was given inter-district transfer and was posted from Salem to Dindigul. Following the Rules, it was directed that the petitioner should be placed below last probationer.

3. On completion of three years, the probation of the petitioner was declared on 24.04.1990. In the temporary seniority list that was prepared for Junior Assistants/Rural Welfare Officer Grade-II/Cashier/Typist and Steno Typist, the petitioner was placed in Serial No.275. Objections were called for and the petitioner did not object to the same. It is also pertinent to note that on confirmation of seniority list, the petitioner did not file an appeal.

4. On the basis of this seniority list, the petitioner was included in the panel for promotion to the post of Assistants/Rural Welfare Officer Grade-I in the year 1994. Thereafter, the petitioner was included in the panel of Extension Officers and promotion was also granted on 21.06.2004. After having enjoyed all these benefits, the petitioner objected to the fact that the



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seniority list placing him below last probationer is wrong. This is the gist of the present Writ Petition.

5. Heard Mr.F.Deepak, learned counsel appearing for the petitioner and Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents.

6. The narration of the facts would go to show that the petitioner who was in Salem District had sought for inter-district transfer and agreed to be placed below last probationer in Dindigul District. Transfer was not made by the Department, but it was on the request of the petitioner. Apart from that, when the seniority list was published in the year 1991, the petitioner did not object to the same and the approved seniority list was published on 20.05.1993. He did not file any appeal as against the temporary seniority list dated 23.09.1991 or the final seniority list dated 20.05.1993. The time limit for objection is fixed under Section 35(f) of the Tamil Nadu State and Subordinate Service Rules, imposing a limitation



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period of three years. Apart from vice of acquiescence, the petitioner's case is hit by limitation. Therefore, I do not find any reason to grant the relief sought for in the present Writ Petition.

7. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

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ssb

Index:Yes

Internet:Yes

To

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V. LAKSHMINARAYANAN, J.

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