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W.P. No.25222 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2024

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THE HONOURABLE MR. JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P. No.25222 of 2012
and
M.P. No.2 of 2012

1.G.Umarani
2.M.Dorothy Backiyarani

.. Petitioners

Vs.

1.The Commissioner of Rural Development
& Panchayat Raj Department,
Panagal Building, Saidapet, Chennai – 15.

2.The District Collector (PD Section),
Salem District, Salem.

3.N.Malani
4.C.Gowri
5.M.Jagadeeswaran
6.C.Govindaraj
7.N.Raja
8.M.Sirajudeen

.. Respondents

Writ petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorari to call for the records of the respondents in connection with the impugned order passed by the first respondent in Na.Ka.No.14278/2012/C1 dated 26.07.2012 and consequential order passed by the second respondent in Na.Ka.No.51828/2011/ni4 dated 07.08.2012 and quash the same.



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For Petitioners : Mr.K.Venkataramani,
Sr. Counsel
for Mr.M.Muthappan

For Respondents : Mr.C.Selvaraj,
Addl. Govt. Pleader
for R1 and R2
Mr.R.Saseetharan
for R3 to R8

ORDER

Challenging the order of the first respondent dated 26.07.2012 and the consequential order of the second respondent dated 07.08.2012, the present writ petition has been filed.

2. Petitioners 1 and 2, who have entered the service as Stenographer and Steno-typist respectively were subsequently promoted as Accountant/Assistant. Though promotion from the post of Steno-typist to Assistant was banned vide G.O.Ms.No.417 Personnel and Administrative Reforms Department dated 01.12.1993, subsequently ban was lifted vide G.O.Ms.No.34 Personnel and Administrative Reforms Department dated 21.02.1993. There are various litigations by the Steno typists for fixing their seniority in the cadre of Assistant based on their total length of service. Pursuant to the instructions issued by the Government, the second respondent re-fixed the seniority after



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giving notice to the employees including respondents 3 to 8 to give their objections. When the petitioners are anticipating promotion to the post of Deputy Block Development Officer, on the appeal filed by respondents 3 to 8, the first respondent vide proceedings dated 26.07.2012 set aside the re-fixation of seniority effected by the second respondent without giving notice to the petitioners. Following the order of the first respondent, the second respondent issued another proceedings cancelling the earlier orders of revised seniority, without notice to the petitioners. Hence the present writ petition.

3. Learned senior counsel appearing for the petitioners submits that the revised seniority list was cancelled without issuing appropriate notice to the petitioners which is violation of principles of natural justice. Hence the learned senior counsel requests that the matter may be remanded to the first respondent / The Commissioner of Rural Development and Panchayat Raj Department for fresh consideration.

4. Mr.C.Selvaraj, learned Government Advocate for respondents 1 and 2 submits that if the matter is remanded, it will be considered afresh on merits and in accordance with law.



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5. In view of the submissions made by either side, the impugned order passed by the first respondent dated 26.07.2012 bearing Na.Ka.No.14278/2012/C1 is set aside and the matter is remanded to the first respondent/ The Commissioner of Rural Development and Panchayat Raj Department, who will give notice as well as personal hearing to both the petitioner and respondents 3 to 8 and consider the issue and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

31.01.2024

Index:Yes/No
Neutral Citation: Yes/No
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To

- 1.The Commissioner of Rural Development
& Panchayat Raj Department,
Panagal Building, Saidapet, Chennai – 15.
- 2.The District Collector (PD Section),
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