



W.P.No.12902 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.12902 of 2022

T.Srividya

... Petitioner

Vs.

- 1.The Director,
Rural Development and Panchayat Raj,
Panagal Building, Saidapet, Chennai-15
- 2.The District Collector,
The Office of District Collector,
Thiruvarur District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider petitioner's plea for seeking promotion to the post of Junior Assistant by considering petitioner's representation dated 17.08.2021.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.S.Arumugam,
Government Advocate

ORDER

This writ petition has been filed for direction to the respondents to consider the case of the petitioner seeking promotion to the post of Junior Assistant.



W.P.No.12902 of 2022

WEB COPY

2. Initially, the petitioner was selected and appointed as Driver by the first respondent on 28.06.1999. She had been working till 21.10.2009 as Driver and thereafter she had also completed departmental examinations. However, she got pregnant and as such she could not be able to drive the vehicle. Therefore, she submitted application to promote her to the post of Junior Assistant. However, it was rejected by an order dated 04.06.2008 on the ground that as per GO.Ms.No.240 (Rural Development) E5 dated 07.09.2000, the petitioner was not entitled for promotion from Driver to Junior Assistant. Thereafter, she submitted application expressing her desire and willingness to serve a lower post than Driver. By the proceedings dated 14.10.2009, she was de-promoted from the post of Driver to the post of Office Assistant at District Collectorate, Noon Meal Scheme, Tiruvarur. Accordingly, she had joined on 21.10.2009. On 25.10.2016, she submitted representation to the second respondent for her promotion to the post of Junior Assistant since she had completed seven years as Office Assistant in the second respondent Office. Therefore, the second respondent forwarded the same to the first respondent. However, her request was not considered by the



W.P.No.12902 of 2022

first respondent and it was clarified by letter dated 03.10.2019 that she was not eligible for promotion as Junior Assistant as per GO.Ms.No.173 dated 23.11.2005.

3. On perusal of records, by the communication dated 03.10.2019, the Additional Chief Secretary informed the first respondent to consider the case of the petitioner and promote to the post of Junior Assistant. In pursuant to the said recommendation, the petitioner submitted detailed representation on 17.08.2021 and it is pending on the file of the first respondent. Perusal of the counter filed by the second respondent also revealed the same.

4. As per Rule 3(g)(i) of Tamilnadu Ministerial Service Special Rules, a person working in a category carrying the scale of pay lower than that of Junior Assistant / Typist alone shall be considered for promotion to the post of Junior Assistant. However, though the petitioner is working as Office Assistant, she is drawing the salary in the time scale of pay of Driver which is equivalent to the post of Junior Assistant.



W.P.No.12902 of 2022

WEB COPY

Therefore, the Government has advised to sent a proposal for relaxation of the above rule as a special case so as to provide promotion to the petitioner.

5. In view of the above, the second respondent is directed to consider the case of the petitioner after obtaining relaxation from the Government of Tamilnadu in respect of the above said rule and pass appropriate orders to promote the petitioner to the post of Junior Assistant within a period of twelve weeks from the date of receipt of copy of this order.

6. With the above direction, this writ petition is disposed of.
There shall be no order as to costs.

05.01.2024

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
lok



WEB COPY



W.P.No.12902 of 2022

To

- 1.The Director,
Rural Development and Panchayat Raj,
Panagal Building, Saidapet, Chennai-15
- 2.The District Collector,
The Office of District Collector,
Thiruvarur District



WEB COPY



W.P.No.12902 of 2022

G.K.ILANTHIRAIYAN, J.

lok

W.P.No.12902 of 2022

05.01.2024