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W.P.No.35980 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN
W.P.No.35980 of 2024

L.Ravichandran

...Petitioner

Vs

1.The Additional Chief Secretary to Government
Rural Development and Panchayat Raj Department
Fort St George, Chennai 9

2.The Director of Rural Development and
Panchayat Raj,
Saidapet, Chennai - 15.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to consider the claim of the petitioner for promotion as Block Development Officer by including his name in the panel of the year 2017 at par with his junior Sivagnanasundaram, who was promoted as on 17.02.2017 notionally and also consider his claim for promotion as Assistant Director of Panchayat Union by including his name in the panel of the year 2023-24 at par with his junior who was promoted on 08.02.2024 with all consequential service and monetary benefits in the light of the representation made by the petitioner dated 07.08.2024 within a reasonable time.



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For Petitioner : Mr.M.Muthappan
For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader

ORDER

The petitioner has filed this writ petition to issue a Writ of Mandamus to direct the respondents to consider the claim of the petitioner for promotion as Block Development Officer by including his name in the panel of the year 2017 at par with his junior Sivagnanasundaram, who was promoted on 17.02.2017 notionally and also consider his claim for promotion as Assistant Director of Panchayat Union by including his name in the panel of the year 2023-24 at par with his junior who was promoted on 08.02.2024 with all consequential service and monetary benefits in the light of the representation made by the petitioner dated 07.08.2024 within a reasonable time.

2. The case of the petitioner is that the petitioner was appointed as Typist through Selection Committee by TNPSC and was promoted as Assistant in the year 2000 and as Deputy Block Development Officer in the year 2007 and on 03.10.2008, the petitioner was issued with a charge memo based on enquiry conducted. Due to pending disciplinary



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proceedings, petitioner's promotion as Block Development Officer has been deferred from the year 2015. Aggrieved by the same, the petitioner has filed a writ petition in W.P.No.22131 of 2013 and this Court vide order dated 11.04.2022 held that the procedure in the conduct of the oral enquiry contemplated under 17(b) of the TNCS (D&A) Rules has not been followed and hence, this Court modified the punishment into one of stoppage of increment for a period of one year without cumulative effect and the earlier punishment was quashed and also directed the respondent to implement the said order within a period of six weeks, but the same has not been implemented by the respondents. In the meantime, the petitioner's junior has been promoted by including his name in the post of Assistant Director in the year 2023-24 by the orders of the Government and hence, the petitioner is also entitled to get promotion from that date. Therefore, the petitioner made a representation to the respondents on 07.08.2024, but the same has not been considered by the respondents till date. Hence this petition.

3. Learned counsel for the petitioner would submit that the petitioner has become fully qualified for consideration of his claim for promotion as BDO in the panel of the year 2015 itself. But, he is entitled



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to get promotion only when his junior who got promotion as Block Development Officer and as well as Assistant Director. The petitioner's junior viz., Sivagnanasundaram was promoted as Block Development Officer on 17.02.2017 and hence, the petitioner is entitled to get his promotion notionally as Block Development officer w.e.f. 17.02.2017. Similarly, the petitioner's junior was promoted as Assistant Director of Panchayat by including his name in the panel of the year 2023-24 w.e.f. 08.02.2024.

4. The charge memo states that the petitioner has accumulated assets of Rs.6,69,997/- which is disproportionate to his known sources of income and thereby, the petitioner has violated the Government Servants Conduct Rules and thereafter, charge memo was issued to the petitioner.

5. Learned Additional Government Pleader appearing for the respondents would submit that the representation of the petitioner will be considered by the respondents on its own merits and in accordance with law, within the time fixed by this Court.

6. In view of the same, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the respondents to consider the representation of the petitioner dated



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07.08.2024 on merits and in accordance with law and pass a speaking order within a period of twelve(12) weeks from the date of receipt of copy of this order.

7. With the above direction, the Writ Petition stands disposed of. No costs.

04.12.2024

Index:Yes/No

Speaking order/Non-speaking order

msv

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V.BHAVANI SUBBAROYAN,J.

msv

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