



W.P(MD)No.190 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.190 of 2024

S.Kumareswaran

... Petitioner

Vs.

1.The Secretary to Government,
Rural Development and
Panchayat Raj Department,
Secretariat, Chennai – 600 009.

2.The Director of Rural Development
and Panchayat Raj,
Panagal Buildings,
Saidapet, Chennai – 600 015.

3.The District Collector,
Sivagangai District,
Sivagangai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent i.e., the Director of Rural Development Panchayat Raj, Chennai to send proposals to the first respondent i.e., the Secretary to



W.P(MD)No.190 of 2024

Government, Rural Development and Panchayat Raj Department,
Chennai for relaxation of Rule 3 of the Tamil Nadu Rural Development
and Subordinate Service Special Rules for not deputing the petitioner for
Rural Welfare Officer Grade-I training in time by the department, within
a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.C.Baskaran
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the
second respondent i.e., the Director of Rural Development Panchayat
Raj, Chennai, to send proposals to the first respondent i.e., the Secretary
to Government, Rural Development and Panchayat Raj Department,
Chennai, for relaxation of Rule 3 of the Tamil Nadu Rural Development
and Subordinate Service Special Rules for not deputing the petitioner for
Rural Welfare Officer Grade-I training in time by the department, within
a specified time frame that may be fixed by this Court.

2. Heard the learned counsel on either side.



W.P(MD)No.190 of 2024

3. Presently, the petitioner is serving as Deputy Block Development Officer (General), Panchayat Union, Sivagangai. The petitioner's name was included in the approved list of Deputy Block Development Officer of the year 2017-18 under Serial No.4. However, his name ought to have been included in the approved list of Deputy Block Development Officer of the year 2016-17, on par with his junior Thirumathi.A.Valarmathi whose serial number is 5 in the approved list. The petitioner's name was not included in the said list merely on the ground of non-completion of training in the post of Rural Welfare officer Grade – I. It is a settled proposition of law that non-completion of the service period in the post of Rural Welfare Officer Grade – I is not the mistake of the employee and it is the mistake of the administration. Hence, the petitioner preferred an appeal on 04.06.2016 and 29.11.2016 to the District Collector, Sivagangai, who is the list drawing authority of the Deputy Block Development Officer. The District Collector has referred the petitioner's appeal petition to the Director of Rural Development and Panchayat Raj, Chennai vide letter dated 20.07.2016. The Director of Rural Development and Panchayat Raj vide letter dated 24.08.2016 has called certain particulars on the proposals dated



W.P(MD)No.190 of 2024

20.07.2016 sent by the District Collector, Sivagangai. The appeal which has been forwarded to the Director of Rural Development and Panchayat Raj is still pending. Hence, the writ petition came to be filed.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5. In view of the same, the second respondent is directed to forward the same to the first respondent and on receipt of the same, the first respondent is directed to pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order in the light of the earlier order passed by the Government.



W.P(MD)No.190 of 2024

WEB COPY

6. Accordingly, this writ petition is disposed of. There shall be no order as to costs.

30.01.2024

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

To

- 1.The Secretary to Government,
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Panchayat Raj Department,
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Chennai – 600 009.
- 2.The Director of Rural Development
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- 3.The District Collector,
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W.P(MD)No.190 of 2024

L.VICTORIA GOWRI, J.

MGA

W.P(MD)No.190 of 2024

30.01.2024