



W.P.(MD).No.2708 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2708 of 2024

V.Krishnan

... Petitioner

Vs.

1.The Principal Secretary,
Rural Development and Panchayat
Raj Department (E4),
Secretariat, St. George Fort,
Chennai-9.

2.The Director / Appellate Authority,
Rural Development and Panchayat
Raj Department (E4),
Panagal Maligai Building,
Saidapet,
Chennai-15.

3.The District Collector,
Collectorate,
Ramanathapuram District.

... Respondents



W.P.(MD).No.2708 of 2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to pass final order on the proposal sent by the 3rd respondent in proceedings in Na.Ka.V3/62065/2014 dated 06.09.2021 and reminder communication dated 03.01.2022 to re-fix the petitioner's seniority for the post of Assistant from the year 2003-2004 instead of the year 2004-2005 and place his name before his juniors and to provide notional promotion and all monetary benefits for the post of Block Development Officer within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

The present writ petition has been filed seeking direction to the 2nd respondent to pass final order on the proposal sent by the 3rd respondent in proceedings in Na.Ka.V3/62065/2014 dated 06.09.2021 and reminder communication dated 03.01.2022 to re-fix the petitioner's seniority for the post of Assistant from the year 2003-2004 instead of the year 2004-2005 and place his name before his juniors and to provide notional promotion and all monetary benefits for the post of Block Development Officer.



W.P.(MD).No.2708 of 2024

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2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

(i) On 09.09.1996, the petitioner joined in the post of Junior Assistant on Compassionate appointment. He completed Rural Welfare Officer - Grade -I training Service at Bhavani Sagar during the period from 25.05.2000 -5.07.2000. He completed his Probation period on 23.12.2002, however, he was regularized belatedly with prior date based on the order passed by the Chief Secretary Rural Development Department dated 24.12.2003. The petitioner joined in the promotion post of Assistant with effect from 19.07.2004. The petitioner's name ought to have been placed in the seniority panel list for the year 2003-2004. Since he was regularized only on 24.12.2003, his name was included in the panel list for the year 2004-2005 instead of in the year 2003-2004. As per proceedings of the 3rd respondent /District Collector dated 20.12.2008 the petitioner's seniority list serial number for the post of Junior



W.P.(MD).No.2708 of 2024

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Assistant is 784 . His junior Mr. Balusamy's name is in the serial number 802 for the same post. However, the petitioner's name was not included in the promotion seniority list for the year 2003-2004 for the post of Assistant. But his junior's name was included in the Promotion panel list for the post of Assistant. Subsequently, the petitioner got promotion to the post of Assistant on 19.07.2004 and thereafter, promoted to the post of Rural Welfare Officer - Grade-II service in which post he served during the period 12.02.2004 - 18.07.2004.

(ii) The petitioner is serving as Deputy Block Development Officer from 14.05.2012 whereas he should have obtained promotion to the post of BDO already based on his original seniority. Since he was deprived to get promotion till date, he made a representation before the District Collector on 05.01.2017 to re-fix the petitioner's seniority for the post of Assistant from the year 2003-2004 instead of the year 2004-2005 and to provide notional Promotion and all monetary benefits for the post of Deputy Block Development Officer. The same was forwarded on 06.09.2021 by the District Collector to the 2nd



W.P.(MD).No.2708 of 2024

Respondent. Since the final orders have not yet been passed, the present writ petition came to be filed.

4. Heard, the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents. Perused the materials available on record.

5. Considering the limited scope of relief sought for by the petitioner, this Court direct the 2nd respondent to pass final order on the proposal sent by the 3rd respondent in proceedings dated 06.09.2021 and reminder communication dated 03.01.2022 to re-fix the petitioner's seniority for the post of Assistant from the year 2003-2004 instead of the year 2004-2005 and place his name before his juniors and to provide notional promotion and all monetary benefits for the post of Block Development Officer within a period of twelve (12) weeks from the date of receipt of a copy of this order.



W.P.(MD).No.2708 of 2024

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6. Accordingly, this Writ Petition stands disposed of. No costs.

08.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml
To

1.The Principal Secretary,
Rural Development and Panchayat
Raj Department (E4),
Secretariat, St. George Fort,
Chennai-9.

2.The Director / Appellate Authority,
Rural Development and Panchayat
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W.P.(MD).No.2708 of 2024

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).No.2708 of 2024

08.02.2024