



W.P.(MD).No.3993 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3993 of 2024

R.Sudhakar

... Petitioner

Vs

1. The Principal Secretary,
Rural Development and Panchayat Raj Department (E4),
Secretariat, St. George Fort,
Chennai - 9.
2. The Director,
Rural Development and Panchayat Raj Department (E4),
Panagal Maligai Building,
Saidapet, Chennai - 9.
3. The District Collector,
Collectorate, Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent No. 2 to consider the petitioner's representation, dated 02.02.2024 to re-fix the petitioner's seniority for the post of Assistant from the year 2001-2002 instead of the year 2004-2005 and place him before his juniors and to provide notional promotion with all monetary benefits for the post of Block Development Officer within the stipulated time fixed by this Court.



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For Petitioner : Mr.I.Pinaygash

For Respondent : Mr.J.K.Jayaselan
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the Respondent No.2 to consider the petitioner's representaiton, dated 02.02.2024 to re-fix the petitioner's seniority for the post of Assistant from the year 2001-2002 instead of the year 2004-2005 and place him before his juniors and to provide notional promotion with all monetary benefits for the post of Block Development Officer within the stipulated time fixed by this Court.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.



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4.The petitioner joined the post of Junior Assistant on 30.01.1995 and completed Foundational Training at Bhavani Sagar training from 15.05.2001 to 13.07.2001. He also completed his probation on 31.05.2000. However, he was regularised belatedly with prior date. The petitioner is fully eligible for being placed in the seniority panel list for the year 2001-2002, but his name was included in the panel list for the year 2004-05 for the post of Assistant. Because of continuous request made by the petitioner before the respondents, his name was included in the temporary revised seniority list of Assistant post for the year 2001-02 (S.No.784). But the District Collector has passed the confirmed seniority list on 20.12.2008 placing his seniority for the year 2004-05 (S.No.823). Though the probation of the petitioner was declared on 31.05.2000, only because of issuance of probation order belatedly on 31.04.2004, the petitioner name was not included in the panel for the year 2001-02. Now the petitioner is serving as Deputy Block Development Officer from 15.05.2012. If the petitioner's original seniority been considered, he would have served as Block Development Officer. Therefore, the petitioner made several representations to the second respondent to refix his seniority for the post of Assistant in the seniority panel for the year 2001-02, instead of 2004-05 and to provide notional promotion and the same were not considered.



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Hence, this writ petition came to be filed.

5. 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 respondents 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 by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct the respondents to consider the same within a stipulated time.

6.Considering the relief sought for by the petitioner in the writ petition, without going to the merits of the petition, this Court hereby direct the respondents to consider the representation of the petitioner, dated 02.02.2024 and pass appropriate orders, in accordance with law, within a period of sixteen (16) weeks, from the date of receipt of copy of this order.

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



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21.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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L.VICTORIA GOWRI, J.



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