



W.A(MD) No.61 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.A.(MD) No.61 of 2019
and
C.M.P (MD) No.328 of 2019**

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Rural Development and Panchayat Raj Department,
Fort St.George, Secretariat,
Chennai – 600 009.

2.The Director of Rural Development,
Kuralagam, Chennai – 600 101.

3.The District Collector,
Ramanathapuram District,
Ramanathapuram.

... Appellants/
Respondents 1 to 3

-VS-

1.J.Muthu Ramakrishnan ... 1st Respondent/Petitioner

2.K.Govindaraj ... 2nd Respondent/4th Respondent

Prayer: Writ Appeals filed under Clause 15 of Letters Patent, to set aside
the order passed in W.P. (MD) No.1422 of 2018 dated 01.03.2018.



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W.A(MD) No.61 of 2019

For Appellants : Mr.N.Ramesh Arumugam
Government Advocate

For Respondents : Mr.A.Haja Mohideen for R1
No appearance for R2

J U D G M E N T

The first, second and third respondents in W.P. (MD) No. 1422 of 2018 aggrieved by the order dated 01.03.2018 of the learned Single Judge, by which order the learned Single Judge had allowed the writ petition filed by the first respondent herein, J.Muthu Ramakrishnan, had filed the writ petition.

2. The first respondent/J.Muthu Ramakrishnan had filed in the writ petition in the nature of a certiorarified mandamus seeking records relating to an order passed by the third respondent in the writ petition, the District Collector, Ramanathapuram District, dated 08.01.2011 and the consequential order dated 03.02.2017 and to quash both the said orders and to direct the first, second and third respondents in the writ petition to grant promotion to the writ petitioner to the post of Deputy Block Development Officer with effect from 03.11.1998 with all



service and monetary benefits.

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3. In order to facilitate easier understanding and for easier narration of the facts, all the parties would be referred as they were referred in the writ petition. This would indicate that the first respondent in the writ appeal would be termed as the writ petitioner and the appellants would be termed as the respondents in the writ petition.

4. The writ petitioner had joined service as Cashier on 14.03.1962. He was promoted as Rural Welfare Officer Grade-1 on 22.04.1987. He was further promoted as the Extension Officer on 31.07.1986. The fourth respondent in the writ petition, K.Govindaraj, was junior to the writ petitioner. That fact is neither denied nor disputed. However, the grievance of the writ petitioner was that K.Govindaraj was promoted as Deputy Block Development Officer by an order dated 03.11.1998 overlooking the writ petitioner who was senior to K.Govindaraj.

5. Questioning that particular order, the writ petitioner had initially filed O.A.No.4943 of 2000 before the Tamil Nadu State Administrative Tribunal. Subsequently, the said Original Application was



W.A(MD) No.61 of 2019

transferred to the High Court and renumbered as W.P.No.41612 of 2006.

A learned Single Judge had examined the credentials in W.P.No.41612 of 2006 and by an order dated 30.09.2010, had allowed said writ petition to the limited extent that the first and second respondents therein namely, the Director of Rural Development, Chennai and the District Collector, Ramanathapuram District, were directed to consider the claim of the writ petitioner for the post of Deputy Block Development Officer and to promote him from the date on which his immediate junior was promoted, on notional basis and to grant all terminal benefits.

6. The said order came to be passed since a categorical finding was given by the learned Single Judge that the junior K.Govindaraj had been wrongly promoted as Deputy Block Development Officer. As a matter of fact, since K.Govindaraj had been so promoted, the Associations had raised objections. He had been promoted on 03.11.1998. The representations of the Associations had been considered and the respondents reversed such promotion by an order dated 30.03.1999. The said K.Govindaraj had also approached the Administrative Tribunal and had also obtained stay in O.A.No.2420 of 1999 of such reversion. The stay was made absolute.



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7. Subsequently, the said Original Application was transferred to the High Court in W.P.No.39397 of 2006 and was dismissed by this Court. This fact is evident from the order of the learned Single Judge in W.P.No.41612 of 2006. A cumulative reading of these facts would show that though K.Govindaraj was a junior of the writ petitioner, he had been promoted wrongly by an order dated 03.11.1998 and thereafter, he was reverted back to his original post by a further order dated 30.03.1999 and questioning that particular reversion, as stated before be approached the Tamil Nadu State Administrative Tribunal in O.A.No.2490 of 1999 which was transferred to the High Court in W.P.No.38397 of 2006 which suffered an order of dismissal by a learned Single Judge of this Court. Therefore, the claim of the petitioner that his junior K.Govindaraj had been promoted overlooking the credentials of the writ petitioner does not stand survive any more.

8. The learned Government Advocate for the appellants/respondents in the writ petition pointed out all these facts and further pointed out that when K.Govindaraj's promotion was reversed, it was found that the senior to the writ petitioner, one Palkarasu was



W.A(MD) No.61 of 2019

promoted as Deputy Block Development Officer only by proceedings dated 23.03.2001. He was so promoted since he was in service. The writ petitioner had retired from service on attaining the age of superannuation on 30.06.2000.

9. Therefore, while the writ petitioner was in service, there was no promotional avenue open to him at all. The promotion was effected to his senior in service Palkarasu only on 23.03.2001. The contention that his junior K.Govindaraj had been promoted earlier, had been examined by the learned Single Judge of this Court and such promotion had been struck down and the efforts in questioning the reversion, had also ended in failure in view of the fact that the writ petition filed by him suffered an order of dismissal.

10. The writ petitioner had attained the age of superannuation on 30.06.2000. He had filed the writ petition in the year 2018. The only contention raised by him, namely, that his junior had been promoted no longer survives for contention as the promotion of the junior had been reversed and the junior had been reverted back to the original post. No other contention had been raised on behalf of the writ



W.A(MD) No.61 of 2019

petitioner. Though the learned Single Judge had allowed the writ petition, we are of the considered view that the learned Single Judge had considered the order of promotion of the junior on 03.11.1998 alone and not the reversion of the said junior by order dated 30.03.1999.

11. In view of the above reasons, necessarily the writ appeal should be allowed and is allowed. Consequently, the connected miscellaneous petition is closed.

12. We would refrain from awarding costs taking into consideration the advanced age of the writ petitioner as on date.

[C.V.K., J.] [J.S.N.P., J.]
03.09.2024

Index: Yes/No

Speaking/Non-speaking order

Neutral citation: Yes/No

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W.A(MD) No.61 of 2019

To

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W.A(MD) No.61 of 2019

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W.A (MD) No.61 of 2019

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