



W.P.(MD)No.14492 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM

**THE HONOURABLE MS JUSTICE R.N.MANJULA**

**W.P.(MD)No.14492 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,  
Rural Development and Panchayat Raj Department (E4),  
Panagal Maligai Building,  
Saidapet, Chennai -15.

3.The District Collector,  
Collectorate,  
Ramanathapuram District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.V3/62065/2014-1, dated 19.06.2024 on the file of the third respondent and quash the same as illegal and consequently direction directing the third respondent 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 him



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name before his junior Mr.A.Nesadurai (seniority Serial No.807) 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.J.Ashok  
Government Advocate

### **ORDER**

The petitioner has filed this writ petition challenging the order of the third respondent dated 19.06.2024 and to direct the third respondent 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 junior Mr.A.Nesadurai (seniority Serial No.807) and to provide notional promotion and all monetary benefits for the post of Block Development Officer.

2.Heard Mr.I.Pinaygash, learned counsel for the petitioner and Mr.J.Ashok, learned Government Advocate, who takes notice for the respondents.

3.By consent of both parties, the writ petition is disposed of at the admission stage itself.



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4.The petitioner joined in the post of Junior Assistant on compassionate appointment on 09.09.1996. He completed his probation period on 23.12.2002, but his probation period was regularized belatedly with prior date based on the order passed by the Chief Secretary Rural Development Department dated 24.12.2003 and thereafter, he was promoted to the post of Assistant with effect from 19.07.2004.

5.It is the case of the petitioner that his name was included in the seniority panel list for the year 2004-2005, instead of 2003-2004. In this regard, the petitioner has given a representation to the third respondent to re-fix his seniority in the promotional cadre of Assistant from the year 2003-2004, instead of 2004-2005 on par with his immediate junior. Since the said representation has not been considered, the petitioner has filed a writ petition in W.P(MD).No. 2708 of 2024 and the same was disposed of vide order dated 08.02.2024 with a direction to the respondent to consider the representation of the petitioner. In compliance of the said order, the order dated 19.06.2024 was passed rejecting the plea of the petitioner by stating that the proceedings have already been initiated and order has already been passed on 16.02.2022.



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6. On perusal of the proceedings dated 16.02.2022, it appears that the second respondent has sought only certain clarification in respect of the eligible junior, who got promotion, since the petitioner compared parity with one Balusamy, who is actually fit for promotion. In order to find out the individual, with whom the petitioner ought to have claimed the parity, a letter has been addressed to the second respondent to submit the proposal afresh by citing the suitable junior. However, the respondent has passed the impugned order on the pretext of compliance of the order passed by this Court in the earlier writ petition in W.P(MD).No.2708 of 2024.

7. Since the order impugned in this writ petition was passed due to oversight and without understanding the clarification sought on 16.02.2022, the impugned order is liable to be set aside. In view of the above, this writ petition is allowed and the impugned order in Na.Ka.V3/62065/2014-1 dated 19.06.2024 passed by the third respondent is set aside and the third respondent is directed to re-submit the proposal with necessary particulars of Nasadurai, who is alleged to have been promoted in the year 2003-2004 and with whom the petitioner claims parity by making appropriate recommendation to the first respondent forthwith. On receipt of the same, the first respondent shall consider



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the same on merits and pass appropriate order within a period of six weeks from

the date of receipt of the recommendation. No costs.

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NCC:yes/no

Index:yes/no

*Rmk*

To

- 1.The Principal Secretary,  
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Chennai-9.
- 2.The Director,  
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**R.N.MANJULA, J.**

*Rmk*

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