



WP(MD) No.15387 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.15387 of 2024
and
W.M.P(MD)No.13485 of 2024

Marimuthu

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai - 9.

2. The Director of Rural Development and Panchayat Raj,
O/o. the Director of Rural Development and Panchayat Raj,
Panagal Building,
Chennai - 600015..

3. The District Collector,
Virudhunagar District,
Virudhunagar.

....Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd Respondent vide his proceedings in Na.Ka.No.R1/2026430/2024 - 12 dated 28.06.2024 and quash the same as illegal and consequently direct the Respondents to promote the petitioner as Block Development Officer as per the panel for the post of Deputy Block Development Officers for the year 2024 of the 3rd Respondent vide his proceedings in Roc.No.P2/1962284 / 2024 dated 05.06.2024.

For Petitioner : Mr.Ajmal Khan
for M/s.Ajmal Associates,
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned order, dated 28.06.2024 of the 3rd Respondent and consequently, direct the Respondents to promote the petitioner as Block Development Officer as per the panel for the post of Deputy Block Development Officers for the



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year 2024 of the 3rd Respondent vide his proceedings in
Roc.No.P2/1962284 / 2024 dated 05.06.2024.

2. Heard Mr.Ajmalkhan, learned Senior Counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner, who was an Accountant in Rural Development and Panchayat Raj Department, has been slapped with the charges on 28.06.2024 for having caused loss to the Government in view of his alleged negligence.

5. The learned Senior Counsel for the petitioner submitted that the petitioner has not caused any loss and it was only in view of the difference found in maintenance of accounts. It is further submitted that the petitioner is due to be promoted to the post of Deputy Block



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Development Officer and the crucial date for preparing the panel for the above said promotion is 15.03.2024. However, the panel has been prepared on 05.06.2024 in which the petitioner's name has also been included, since no charge is pending against the petitioner. However, the charge memo, dated 28.06.2024 came to be issued consequent to the release of the promotional panel and in view of that, the petitioner has not been given with promotion despite the other persons whose name found in the list got their promotion.

6. It is learnt that one post is still vacant even though the first three in the promotional panel got promoted and the petitioner who stood as serial No.4 has been declared or withheld to be given with promotion.

7. In such a case, the petitioner can subject himself for disciplinary proceedings and the same shall be disposed of within a period of four months from the date of receipt of a copy of this order. Depending upon the result of the proceedings, the petitioner's promotion shall be considered as against the post which has been



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already reserved for him. Before concluding the disciplinary proceedings as against the petitioner, no promotion shall be given to any other persons as against the post which has been now kept vacant and reserved.

8. With the above observation and direction, the Writ Petition is **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

15.07.2024

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

RM



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.15387 of 2024

15.07.2024