



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.13575 of 2015

R.Baskaran

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Rural Development and Panchayatraj Department,
Fort St.George, Chennai – 600 009.
2. The Director of Rural Development & Panchayat Raj Department,
Panagal Building, Saidapet, Chennai – 600 015.
3. The District Collector, Tiruppur District, Tiruppur. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the third respondent dated 15.11.2014 in Na.Ka.No.6479/2014/Vi.2, and quash the same only insofar as it relates to the petitioner and direct the respondents to include the name of the petitioner in the seniority list of 'Assistants' for 2012-2013 and consequently promote the petitioner as the 'Deputy Block Development Officer' from the date on which the juniors to the petitioner were promoted as 'Deputy Block Development Officers' by relaxing Rule 5(ii) of the Tamil Nadu Panchayatraj Development New



Service Rules.

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For Petitioner : Mr.G.Govarthanan

For Respondents : Mr.V.Nanmaran,
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings bearing **ந.க.எண்.6479/2014/வி2** dated 15.11.2014, issued by the Respondent No.3, rejecting the claim of the petitioner for inclusion of his name in the panel of 'Junior Assistants', fit for promotion to the post of 'Assistant' for the panel year 2012-2013 on the ground that the petitioner has not completed the training at 'Bhavani Sagar' as on the crucial date for the panel year 2012-2013 i.e., 15.03.2012 and also on the ground that the probation of the petitioner was declared only after the crucial date for the panel year 2012-2013.

2. When the matter came up for consideration, it is brought to the notice of this court by learned counsel for the petitioner that the very same impugned proceedings dated 15.11.2014, was the subject matter of a batch of writ petitions before this court in W.P.Nos.3435 to 3441 of 2015 and this court, having examined the matter in detail, allowed the said batch of writ



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petitions by a common order dated 12.06.2015, directing for inclusion of the name of the petitioners therein for the panel year 2012-2013 for promotion to the post of 'Assistant' from the post of 'Junior Assistant', and also for grant of certain other consequential benefits relating to further promotions of the petitioners therein.

3. The relevant paragraphs from the said order dated 12.06.2015 reads as under:-

“7. The aforesaid facts are not in dispute. It is true that for inclusion of the name of a Junior Assistant in the panel for promotion to the post of Assistant in the Rural Development and Panchayat Raj Department, the Government servant should have undergone six weeks training at Bhavani Sagar Instiute before the crucial date. It is not the case of the respondent that the petitioners were sent for Bhavani Sagar Training, but the petitioners refused to go for citing one reason or the other. If the Department itself has not sent the Government servant for Bhavani Sagar training, the Government employee should not be blamed for not undergoing the training before the cut off date, namely, 15.03.2012.

8. In fact, this Court in various decisions held that service qualification such as undergoing a training, that is prescribed in the Rules for inclusion of a Government servant in the panel, could not be placed / used against the Government servant, if the fault is not on the side of the Government servant.



...

12. Likewise, the District Collector issued orders on various dates during June 2012 declaring the probation of the petitioners retrospectively that fell prior to 15.03.2012. It is a different matter that if the declaration of probation is with effect from the date subsequent to the cut off date, namely, 15.03.2012. Admittedly, the declaration of the probation of the petitioners were made with effect from the date which is prior to 15.03.2012.

13. In these circumstances, if the petitioners are not included in the panel at the appropriate place, the same would cause great prejudice to the petitioners in the entire career and the juniors would have a march over them in all the future posts. Hence, I am inclined to issue direction as sought for.

14. At this juncture, the learned counsel for the petitioners submitted that the promotion panel to the post of Deputy Block Development Officer from the post of Assistant is now prepared and service qualification for the said post is one year service as Assistant and one year service as Rural Welfare Officer Grade I and the names of the petitioners may also be included in the said panel.

15. I make it clear that since in view of the order passed by this Court in these writ petitions, the petitioners are to be promoted as Assistants from the date of their juniors were promoted. Applying the same principle, the service qualification of one year in Assistant post and one year in Rural Welfare Officer Grade I post shall also be waived in the case of the petitioners and they shall be promoted by including their names in the panel of Assistants fit for promotion



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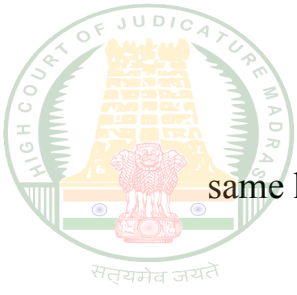


to the post of Deputy Block Development Officer without insisting the service qualification, since it is not the fault of the petitioners in not serving as Assistant or Rural Welfare Officer Grade I for one year.

16. Accordingly, these writ petitions are allowed and a direction is issued to the respondent to include the names of the petitioners at the appropriate place in the panel of Junior Assistants of the year 2012-13 for promotion to the post of Assistant and also to promote the petitioners from the date on which their immediate juniors were promoted and also to include their names in the panel of Assistants fit for promotion to the post of Deputy Block Development Officer, if there is no other legal impediment, without insisting service qualification of one year service as Assistant and one year service as Rural Welfare Officer Grade I, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.”

4. It is also further brought to the notice of this court that the above order dated 12.06.2016 was implemented by the respondents by duly granting promotion to the post of 'Assistant' and further promotion to the post of 'Block Development Officer' etc., as early as in the year 2017.

5. In the light of the above, this court does not see any reason to re- adjudicate the matter, as this court has already decided the matter and the



same has become final.

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6. In the light of the above, this writ petition is also allowed, directing the respondents to include the name of the petitioner at the appropriate place in the panel of 'Junior Assistant' of the year 2012-2013 fit for promotion to the post of 'Assistant' and also to promote the petitioner from the date on which his immediate juniors were promoted and also to include his name in the panel of 'Assistants', fit for promotion to the post of 'Deputy Block Development Officer', if there is no other legal impediment, without insisting service qualification of one year service as 'Assistant' and one year as 'Revenue Welfare officer, Grade-I', as expeditiously as possible, at any rate within a period of eight weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition is allowed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

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Speaking order / Non-speaking order
Neutral Citation : Yes / No

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To

1. The Secretary to Government of Tamil Nadu,
Rural Development and Panchayatraj Department,
Fort St.George, Chennai – 600 009.
2. The Director of Rural Development & Panchayat Raj Department,
Panagal Building, Saidapet, Chennai – 600 015.
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MUMMINENI SUDHEER KUMAR, J.

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