



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

WP No. 22309 of 2019

1. S.Kasturi,
Deputy Block Development Officer
(VP), Panchayat Union, Tirukoilur,
Villupuram District.

Petitioner(s)

Vs

1. The District Collector,
(Development Wing), Villupuram
District, Villupuram.

Respondent(s)

PRAYER: Writ petition is filed under Section 226 of the Constitution of India for issuance of a Writ of mandamus to direct the respondents to consider the claim of the petitioner for revision of her empanelment in the Cadre of Junior Assistant and on that basis, to grant her appropriate empanelment and promotions to the higher posts on par with her immediate Junior on the basis of R.O.C. No.1104198/PA/dated 07/01/1999 and provision to Rule 35(aa) of Tamil Nadu State and Subordinate on the basis of Rule 35(aa) of Tamil Nadu State and Subordinate Service Rules to grant her all consequential benefits within a



limited time frame.

For Petitioner(s): M. Ravi

For Respondent(s): Mr.T.Chezhiyan,
Additional Govt. Pleader

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ORDER

This Writ petition has been filed to direct the respondents to consider the claim of the petitioner for revision of her empanelment in the Cadre of Junior Assistant and grant her appropriate empanelment and promotions to the higher posts on par with her immediate Junior on the basis of R.O.C. No.1104198/PA/dated 07/01/1999 and provision to Rule 35(aa) of Tamil Nadu State and Subordinate and grant her all consequential benefits.

2. The petitioner has been initially appointed as Junior Assistant in the year 1985 in Survey and Land Records Department through employment exchange and subsequently transferred and posted as Junior Assistant on 18.09.1990 in Rural Development and Panchayat Raj Department in Villupuram District. The services of the petitioner were regularized on 20.01.1998 on her completion of successful probation. The petitioner's seniority has been fixed at Seniority No.138 Q as per the seniority list dated 07.01.1999. On 30.01.2000 the petitioner was promoted as Assistant without taking into account of the order dated 07.01.1999. Later she was promoted as Block Development Officer on 01.07.2010.



3. The grievance of the petitioner is that she has been kept in the position at Seniority No.138 Q in the seniority list which is not correct. The persons junior to the petitioner has been placed above her. The petitioner claims that As per Rule 35 (aa) of the Tamil Nadu State and Subordinate Rules, she ought to have been placed above one D.Kaliaperumal and she is yet to be empanelled in the list of candidates listed for promotion to the post of Assistant and grant all consequential and attendant benefits.

4. Rule 35 (aa) of Tamil Nadu State and Subordinate Rules would prescribe as under:

** 35. (aa) The seniority of a person in a service, class, category or grade shall, where the normal method of recruitment to that service, class, category or grade is by more than one method of recruitment, unless the individual has been reduced to a lower rank as a punishment, be determined with reference to the date on which he is appointed to the services, class, category or grade;*

Provided that where the junior appointed by a particular method or recruitment happens to be appointed to a service, class, category or grade, earlier than the senior appointed by the same method of recruitment, the senior shall be deemed to have been appointed to the service, class, category or grade on the same day on which the junior was so appointed:

Provided further that the benefit of the above proviso shall be available to the senior only for the purpose of fixing inter-se-seniority:



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Provided also that where persons appointed by more than one method of recruitment are appointed or deemed to have been appointed to the service, class, category or grade on the same day, their inter-se-seniority shall be decided with reference to their age.

5. Mr.T.Chezhian, the learned Additional Government Pleader, for the respondent, submitted that as the petitioner's representation has not been considered despite the Rules as state above, appropriate directions shall be given to the respondents.

6. In view of the above observations, this Writ petition is disposed and the petitioner shall submit a fresh representation to the respondents in this regard and the respondent is directed to consider the representation of the petitioner and pass orders in the light of above rules and observation, within a period of four weeks from the date of receipt of a copy of this order. No costs.

03-03-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
The District Collector,
(Development Wing), Villupuram
District, Villupuram.

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R.N.MANJULA J.

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