



W.P.(MD)No.12536 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

**CORAM:
THE HON'BLE MR JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.12536 of 2023

Rajagurunathprabhu

Vs.

... Petitioner

1.The Commissioner of Vigilance & Administrative Reforms
Secretariate
Chennai 600 009

2.The Secretary
Human Resource Management Department
Secretariate
Chennai 600 009

3.The Secretary
Department of Rural Development & Panchayat Raj
Secretariate
Chennai 600 009

4.The Secretary
Department of Law, Justice and Prisons
Secretariate
Chennai 600 009



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5.The Secretary
Department of Finance
Secretariate,
Chennai 600 009

6.J.Luke Prabhu
Deputy Block Development Officer (Accounts)
District Rural Development Agency
Virudhunagar District

7. P.Suthagar
Deputy Block Development Officer (Noon Meal),
Watrap Panchayat Union Office,
Virudhunagar District.

8.S.M.Mahalakshmi
Deputy Block Development Officer,
Srivilliputtur Panchayat Union Office,
Virudhunagar District.

9.R.Kannan
Deputy Block Development Officer, Mgnregs,
Sivakasi Panchayat Union Office,
Virudhunagar District.

10.R.Duraikannan
Deputy Block Development Officer (Accounts),
Aruppukottai Panchayat Union Office,
Virudhunagar District.

11.P.Krishnasamy
Deputy Block Development Officer, Mgnregs,
Kariyapatti Panchayat Union Office,
Virudhunagar District.



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12.A.Kalirajan

Deputy Block Development Officer,
Sivakasi Panchayat Union Office,
Virudhunagar District.

13. S.Kalirasu

Deputy Block Development Officer (Accountant),
Assistant Director Panchayat Office,
Virudhunagar District.

14. M.S.Parameswaran

Zonal Deputy Block Development Officer,
Virudhunagar Panchayat Union Office,
Virudhunagar District.

15. Deva Asirvatham

Block Development Officer (Village Panchayat Union),
Sriviliputtur Panchayat Union Office,
Virudhunagar District.

16.Senthil

Deputy Block Development Officer, Mgnregs,
Thiruchuli Panchayat Union Office at Reddiyapatti,
Virudhunagar District.

.....Respondents

(Respondents 6 to 16 impleaded vide Court
order dated 28.01.2025)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to constitute the Appellate Committee under Section 67 of Tamil Nadu Government Servants (Conditions of Service) Act, 2016 to fix his seniority, by considering his representation dated 22.12.2022 in accordance with law, within the period as prescribed by this Court.



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For Petitioner : Mr.Jerinmathew

For Respondents : Mr.Veera.Kathiraven
Additional Advocate General
Assisted by A.Baskaran
Additional Government Pleader for R1 to R5

:No appearance for R6 to R16

ORDER

The instant writ petition has been filed by a directly recruited Assistant in the department of Panchayat Development District Unit of Virudhunagar seeking a mandamus as against the respondents to constitute an Appellate Committee under Section 67 of Tamil Nadu Government Servants (Conditions of Service) Act, 2016 to fix the seniority by considering his representation dated 22.12.2022.

2.A perusal of the records reveal that the petitioner being aggrieved over the seniority, has preferred an appeal to the District Collector, Virudhunagar invoking Rule 46 of the above said Act. The request of the petitioner was rejected by the Collector on 28.03.2022. Challenging the same, the petitioner has preferred an appeal to the Director of Rural Development and Panchayat Raj, Chennai and the appeal was dismissed on 14.12.2022



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3. According to the learned counsel for the writ petitioner, after the Director of Rural Development has dismissed the appeal (which was filed under Section 66 of the above said Act), an appeal would lie before the committee on appeal as contemplated under Section 67 of Tamil Nadu Government Servants (Conditions of Service) Act, 2016. Though the petitioner has submitted his representation on 22.12.2022, so far the committee on appeal has not been convened. Hence, the present writ petition.

4. The primary grievance of the writ petitioner is that unless the committee on appeal, as contemplated under Section 67 of the Act is convened, the grievance of the writ petitioner cannot be redressed.

5. Per contra, the learned Additional Advocate General appearing for the respondents had contended that once the appeal filed by the writ petitioner invoking Rule 66 of the Act is disposed of, the petitioner has to file a review under the same Rule before the Government. Only after disposal of the review application by the Government, the petitioner can invoke Rule 67.

6. The learned Additional Advocate General had further contended that in case if the petitioner wishes to challenge the order passed by the Government in the review application, the petitioner has to present an application to the



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concerned department and the department can refer the issue to the 'committee on appeal' apprising the full facts of the case, for its advise, if required. Therefore, the stage for constituting or convening the committee on appeal under Section 67 has not arisen. Hence, he prayed for dismissal of the writ petition.

7. According to the learned Additional Advocate General, pending writ petition, the Director of Rural Development and Panchayat Raj has passed an order dated 27.12.2024 touching upon the seniority of the writ petitioner and the petitioner has to prefer a review to the Government as against this order.

8. I have considered the submissions made on either side and perused the material records.

9. As against the order of the District Collector dated 28.03.2022, the petitioner has preferred an appeal to the Director of Rural Development invoking Section 66 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. A perusal of Section 66 reveals that, as against the order of the appellate authority, a review lies to the Government in view of the fact that the order of the appellate authority should be deemed to be an order of dismissal from service. Therefore, the only remedy available to the writ petitioner is to approach the Government by filing review application invoking the same section. Hence, the



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stage for constituting or convening the committee on appeal has not arisen. A perusal of the representation of the writ petitioner dated 22.12.2022 reveals that the petitioner has already submitted his representation to the Secretary to Government, Rural Development & Panchayat Raj.

10.In such view of the matter, the third respondent is directed to treat the representation of the petitioner dated 22.12.2022 as a review application under Section 66 of the Act and pass orders on merits and in accordance, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

11.With the above said observations, this writ petition stands disposed of.
No costs.

28.01.2025

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



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R.VIJAYAKUMAR, J.

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