

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2010

CORAM:

THE HON'BLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.41612 of 2006

J.Muthuramakrishnan

... Petitioner

Versus

1. The Director of Rural Development,  
Kuralagam, Chennai - 101.

2. The Collector,  
Ramanathapuram District,  
Ramanathapuram.

3. K.Govindaraj

... Respondents

PRAYER: This Writ Petition came to be numbered under Article 226 of the Constitution of India for issuance of writ of certiorari by way of transfer of O.A.No.4943 of 2000, to set-aside the impugned order dated 03.11.1998 of the second respondent and made in No.Na.Ka.vi.3/63258/98 and consequently promote the petitioner as Deputy Block Development Officer with effect from 03.11.1998 with all consequential benefits.

For Petitioner : Mr.Karthik Rajan

For Respondents: Ms.C.Devi  
Government Advocate

सत्यमेव जयते  
O R D E R

Heard Mr.Karthik Rajan, learned counsel for the petitioner and Ms.C.Devi, learned Government Advocate for the respondents.

2. The petitioner joined as Cashier on 14.03.1962 in the Tripulani Panchayat Union. He was promoted as Welfare Officer, Grade-I on 22.04.1987. He was further promoted as Extension Officer on 31.07.1996.

3. The third respondent is junior to the petitioner. He was promoted as Deputy Block Development Officer by an order dated 03.11.1998 of the second respondent.

4. The petitioner has filed the Original Application in O.A.No.4943 of 2000 (W.P.No.41612 of 2006) to quash the aforesaid order dated 03.11.1998 of the second respondent and for a consequential direction to promote the petitioner as Deputy Block Development Officer from 03.11.1998 with all consequential benefits.

5. The respondents filed reply affidavit. The following are stated in the reply affidavit:-

(i) The third respondent is junior to the petitioner.

(ii) The second respondent herein sent a letter dated 01.07.1997 to the first respondent along with the revised list of presumptive panel from 1985 to 1986 and panel from 1987 to 1991 in the cadre of Assistant / Rural Welfare Officer Grade-I, for rectification, since some anomalies were found in the confirmed seniority list of Assistant / Rural Welfare Officer Grade-I. The proposals of the second respondent was examined and the first respondent issued an order dated 02.09.1998. Based on the said order dated 02.09.1998, the third respondent was promoted as Block Development Officer.

(iii) Subsequently, some associations represented that there are certain anomalies found in the approved panel, the claims and objections were not called from the affected persons. Hence, the orders issued by the first respondent dated 02.09.1998 was kept in abeyance until further orders, by another order of the first respondent dated 17.11.1998.

(iv) Thereafter, the first respondent issued the revised panel in his proceedings dated 23.01.1999. In the revised panel, the third respondent did not find a place in the cadre of Deputy Block Development Officer. Hence, the third respondent was reverted as Extension Officer by the second respondent in his proceeding dated 30.03.1999.

(v) The third respondent approached the Tamil Nadu Administrative Tribunal by filing O.A.No.2490 of 1999 to quash the aforesaid order dated 30.03.1999 reverting him from the post of Deputy Block Development Officer to the post of Extension Officer.

(vi) The Tribunal, while admitting the Original Application, granted stay on 16.04.1999. In view of the stay granted by the Tribunal, the third respondent continued as Deputy Block Development Officer.

6. The petitioner reached the age of superannuation on 30.06.2000 and he retired from service.

7. From the reply affidavit, it is clear that the third respondent did not find place in the cadre of Deputy Block Development Officer in the revised panel dated 23.01.1999, issued by the first respondent. In view of the reply affidavit, the impugned order dated 03.11.1998 was revised by the first respondent itself. It is stated that O.A.No.2490 of 1999 (W.P.No.38397 of 2006) was dismissed by this Court. Therefore, the revised panel dated 23.01.1999 of the first respondent was ultimately upheld.

8. Hence, the impugned order dated 03.11.1998 of the second respondent is liable to be set-aside and the same is set-aside. However, whether the petitioner is entitled to promotion as Deputy Block Development Officer or not has to be considered by the respondents 1 and 2.

9. The respondents 1 and 2 are directed to consider the claim of the petitioner for the post of Deputy Block Development Officer and to promote him from the date on which his immediate junior was promoted on notional basis and to grant him all terminal benefits within a period of eight weeks from the date of receipt of a copy of this order, if he is otherwise eligible.

10. The writ petition is allowed on the above terms. No costs.

Sd/-  
Asst. Registrar

//true copy//

Sub Asst.Registrar

r n s  
To

1. The Director of Rural Development,  
Kuralagam, Chennai - 101.

2. The Collector,  
Ramanathapuram District,  
Ramanathapuram.

1 cc to Government Pleader, Sr.No.72741

1 cc to M/s.Karthik, Mukundan & Neelakantan, Advocate, Sr.No.72443

W.P.No.41612 of 2006

LA {CO}  
TP/18.10.2010.