

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.26310 of 2013

N.Easwaramurthy

.. Petitioner

vs.

1. The Government of Tamil Nadu,  
rep.by its Secretary,  
Rural Development &  
Panchayat Raj Department,  
Fort St.George, Chennai - 600 009.

2. The Commissioner of Rural  
Development & Panchayat Raj Department,  
Saidapet, Panagal Building,  
Chennai - 600 015.

3. The District Collector,  
Namakkal  
District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to pass an order of promotion to the petitioner herein as Joint Director in the vacancies arose as on 30.04.2013 with effect from 01.05.2013 and consequently, pay monetary and other attendant benefits.

For petitioner : Mr.K.Raja

For respondents : Mr.S.Diwakar

Special Government Pleader

ORDER

The petitioner has filed the present Writ Petition for the relief stated above.

2. According to the petitioner, he was initially appointed as RWO Grade II on 24.3.1975 after completion of 2 years training. Thereafter, he got promotion now and then and as such, he was promoted as Assistant Director lastly on 16.6.2008. While so, though the respondents were aware that there were vacancies as on 30.4.2013 in the post of Joint

Director and the petitioner was to retire on 31.5.2013, no step was taken to promote the petitioner in the said post. After his retirement on 31.5.2013, his immediate junior, S.Swamidoss was given promotion as Joint Director on 6.6.2013 vide G.O.No.250 Rural Development and Panchayat Raj Department. The petitioner has also made a representation seeking promotion on 21.1.2013 to the first and second respondents. However, there was no response for the representation. Hence, the present Writ Petition has been filed by the petitioner with the aforesaid prayer.

3. Assailing the allegations of the petitioner, a counter affidavit has been filed on behalf of the respondents. Reiterating the averments made in the Counter Affidavit, the learned Special Government Pleader submitted that there were 3 vacancies in the cadre of Joint Director as on 30.4.2013 and proposal to promote the petitioner and 2 other Assistant Directors as Joint Director was received from the Commissioner of Rural Development and Panchayat Raj vide Letter No.556/2013/GE.I.1, dated 11.5.2013 on 13.5.2013. After following all the administrative procedures, the Government Order to promote the above Assistant Directors was issued on 6.6.2013 vide G.O.(D) No.250 Rural Development and Panchayat Raj (E1) Department, dated 6.6.2013. On the date of issue of the said G.O., the petitioner had already retired and he could not be promoted to the cadre of Joint Director and his junior S.Swamidoss was given promotion as Joint Director on 6.6.2013. The above delay was only due to administrative reasons and his name was considered for promotion. Since the petitioner had retired from service on 31.5.2013, he could not be promoted on the date of issue of Government Order i.e. on 6.6.2013.

4. In the light of the above submissions and the facts of the case, the relief sought in the Writ Petition cannot be considered at this stage. Hence, the Writ Petition fails and the same is dismissed. No costs.

s/d-

Assistant Registrar

//True Copy//

Sub-Assistant Registrar

To

1. The Secretary,  
The Government of Tamil Nadu,  
Rural Development &  
Panchayat Raj Department,  
Fort St.George, Chennai - 600 009.

2. The Commissioner of Rural  
Development & Panchayat Raj Department,  
Saidapet, Panagal Building,  
Chennai - 600 015.

3. The District Collector,  
Namakkal District.

+1 CC to Mr. K. Raja, Advocate, sr 6684

+1 CC to Govt. Pleader sr 6569

W.P.No.26310 of 2013

NM(CO)  
sp/22/2



WEB COPY