

(2011) 04 MAD CK 0240

In the Madras High Court

Case No : Writ Petition (MD) No. 9359 of 2008

G. Ram Kumar

APPELLANT

Vs

The Director, Directorate of Rural Development, The District
Collector and The District Collector

RESPONDENT

Date of Decision : 06-04-2011

Acts Referred:

Citation : (2011) 04 MAD CK 0240

Hon'ble Judges : D. Hariparanthaman, J

Bench : Single Bench

Advocate : G. Chandrasekar, for the Appellant; B.K. Rajendran, A.G.P., for the Respondent

Final Decision : Allowed

Judgement

D. Hariparanthaman, J.—The Petitioner joined as Record Clerk in Alangulam Panchayat Union, Thirunelveli District on 04.11.1976.

Thirunelveli District was bifurcated as Nellai Kattapomman District and V.O. Chindambaranar District in the year 1986. He opted to work in V.O.

Chidambaranar District, which is now called as Tuticorin District and the Nellai Kattapomman District is now called as Thirunelveli District. The

Petitioner was promoted as Junior Assistant in 1986.

2. Due to administrative reasons, the Petitioner was transferred from Thoothukudi District to Tirunelveli District in the year 1990 and his lien was

retained in Tuticorin District. While he was serving in Tuticorin District, his juniors were promoted as Assistant during 1989 and 1990. Hence, he

filed O.A. No. 3019 of 1996 before the Tamil Nadu Administrative Tribunal. The Tribunal passed an order dated 19.06.1996, directing the 2nd

Respondent to consider the Petitioner's representation for promotion within a

period of 6 weeks from the date of receipt of that order. In such circumstances, the Petitioner was promoted as Assistant in 1999 by an order dated 06.12.1999. Since his juniors were promoted as Assistant in 1990, he has filed the present writ petition seeking promotion to the post of Assistant, Extension Officer, Deputy Block Development Officer and Block Development Officer from the date on which his juniors were promoted.

3. In view of the delay in promoting the Petitioner as Assistant, his juniors have obtained further promotion to the posts of Extension Officer and Deputy Block Development Officer, But, he still is working as Assistant.

4. The 2nd Respondent filed counter affidavit. The facts are not disputed. It is admitted in the counter affidavit that his juniors were promoted as

Assistant before the Petitioner was promoted in 1999. It is also admitted that his juniors were promoted during 1989 and 1990. It is stated that the

2nd Respondent wrote a letter dated 26.07.1999 to the 1st Respondent seeking clarification regarding the promotion to the Petitioner, who is

working under the 3rd Respondent, while his lien is maintained with the 2nd Respondent. The 1st Respondent replied in his letter dated

15.11.1999 that the 2nd Respondent should take action for giving promotion to the Petitioner as the lien of the Petitioner is with the 2nd

Respondent in Tuticorin District. Thereafter, the 2nd Respondent requested the 3rd Respondent to give promotion to the Petitioner as Assistant.

Only in those circumstances, the 3rd Respondent issued the proceedings dated 06.12.1999 promoting the Petitioner as Assistant.

While the counter affidavit does not dispute those facts, the same seeks for dismissal of the writ petition.

5. Heard the learned Counsel appearing for the Petitioner and the learned Additional Government Pleader, appearing for the Respondents.

6. It is not in dispute that the Petitioner joined service in the erstwhile Tirunelveli District as Record Clerk in Alangulam Panchayat Union on

04.11.1976. On bifurcation, he opted to serve in Tuticorin District. Hence, he was transferred to Tuticorin District in 1986 and he was promoted

as Junior Assistant in 1986. For no fault of his, he was transferred to Tirunelveli District for administrative grounds in 1990, while his lien was

retained at Tuticorin District. Since his lien was retained at Tuticorin District, he should have been promoted as Assistant and to other categories as

his juniors were promoted, if he is found otherwise eligible. It is not the case of the Respondents that he was not found eligible on the ground that

he faced disciplinary action or he did not pass certain departmental tests. On the other hand, he was not promoted since, he served in Tirunelveli

District. This could not be the reason for not promoting him as Assistant, Deputy Block Development Officer and Block Development Officer

when his juniors were promoted. He should have been promoted to all the other categories of posts as stated above, when his juniors were

promoted. Hence, I find that there is much force in the submissions made by the learned Counsel for the Petitioner that the Petitioner is entitled for

promotion to the post of Assistant to Extension Officer, Deputy Block Development Officer and Block Development officer as and when his

juniors were promoted.

7. Accordingly, this writ petition is allowed. The 2nd Respondent is directed to undertake the exercise by promoting the Petitioner as Assistant,

Extension Officer, Deputy Block Development Officer and Block Development Officer from the date on which, his immediate juniors were

promoted and the 2nd Respondent is also directed to pay all the benefits thereon, within a period of 8 weeks from the date of receipt of a copy of

this order. No costs.