
(2006) 05 MAD CK 0008
In the Madras High Court
Case No : Writ Petition No. 35637 of 2005

M. Kaliaperumal

APPELLANT

Vs

The District Collector

RESPONDENT

Date of Decision : 01-05-2006

Acts Referred:

Citation : (2006) 05 MAD CK 0008

Hon'ble Judges : K. Suguna, J

Bench : Single Bench

Advocate : V. Suthakar, for Aiyar and Dolia, for the Appellant; V. Subbiah, AGP, for the Respondent

Final Decision : Dismissed

Judgement

K. Suguna, J.—Originally, the petitioner had filed O.A. No. 4456 of 1995 on the file of the Tamil Nadu Administrative Tribunal to refix the

seniority of the applicant in the cadre of Rural Welfare Officer Grade I/Assistant, Extension Officer and Deputy Block Development Officer with

all consequential benefits such as retrospective promotion with monetary benefits and the same has been transferred to the file of this Hon''ble

Court and renumbered as W.P. No. 35637/2005.

2. The petitioner was appointed as Rural Welfare Officer Grade II with effect from 24.11.1960 and promoted as Rural Welfare Officer Grade I

with effect from 17.10.1974. In the year 1985, by G.O.Ms. No. 325 dated 26.4.1985, certain test qualifications were prescribed. Originally, 3

years time was granted to acquire the test qualifications. Subsequently, the same was extended periodically. Finally, the same was extended upto

4.5.94. According to the learned Counsel for the petitioner, the petitioner had

acquired the test qualification in November, 1989. As per the order passed in Civil Appeal No. 61-93/94 dated 4.5.1994, those who have passed the test upto 4.5.1994 should be treated similarly as those who have passed the test prior to 11.5.1990. Since the petitioner had passed the test in November, 1989, his name should have been included in the panel dated 8.11.1990 drawn for the year 1989 for promotion to the post of Extension Officer. But overlooking his name, his juniors' names were included. Besides, according to the learned Counsel, though the petitioner's name was included in the panel of Deputy Block Development Officer for the year 1993, he has been placed below his juniors. That apart, according to the learned Counsel, on the date of drawal of panel for promotion to the post of Extension Officer, i.e., 8.11.1990, the petitioner had acquired the qualification, as such, his name should have been included in the panel drawn for promotion to the post of Extension Officer dated 8.11.1990 and the petitioner's seniority in the cadre of Rural Welfare Officer Grade I/Assistant, Extension Officer and Deputy Block Development Officer should be refixed and the petitioner should be given retrospective promotion with monetary benefits.

3. On the other hand, learned Counsel for the respondent has submitted that since the test qualifications were prescribed for Rural Welfare Officer cadre first time by G.O.Ms. No. 325 Rural Development Department dated 26.4.1985. Initially, 3 years' time was granted to acquire the said qualification. But, the same was extended periodically, finally, upto 4.5.1994. As per the above said Government Order, on the failure to acquire the test qualification, within the prescribed time, one has to face reversion. According to the learned Counsel for the respondent, the time limit prescribed is only with respect to reversion and not for promotion. As such, the prayer sought for cannot be granted.

4. I have considered the submissions of the respective counsel.

5. Admittedly, the petitioner was promoted as Rural Welfare Officer Grade I with effect from 17.10.1974. The next avenue of promotion is Extension Officer. As per the new rules for promotion to the post of Extension Officer, one should have passed the prescribed tests. As far as the petitioner is concerned, he had passed the tests in November, 1989. As far as Civil Appeal No. 61-93/94 is concerned, it was filed by those who

failed to pass the prescribed tests within the stipulated time and consequently, faced reversion. By extending the time upto 4.5.1994, the

Honourable Supreme Court has held that those who have passed the test upto 4.5.1994 should be treated similar to those who have passed

the test prior to 11.5.1990. Hence, the stand of the petitioner that since he has passed the test in November, 1989, his name should have been

included in the panel drawn for promotion to the post of Extension Officer for the year 1989 cannot stand.

6. The above W.P./O.A. has been filed for refixation of seniority of the petitioner in the cadre of Rural Welfare Officer Grade I/Assistant, Extension

Officer and Block Development Officer and for consequential retrospective promotion. Admittedly, the petitioner's name was not included in the

panel drawn for promotion to the post of Extension Officer for the year 1989 and his name was included only in the panel drawn for the year

1990. Without seeking inclusion of petitioner's name in the panel for 1989, the question of refixing his seniority in the cadre of Extension Officer

does not arise. As far as the seniority in the cadre of Deputy Block Development Officer is concerned, basing on the seniority in the cadre of

Extension Officer, the petitioner is promoted as Deputy Block Development Officer. As observed earlier, unless and until, his name is included in

the panel for 1989, the question of refixing his seniority in the cadre of Extension Officer does not arise. Consequently, his seniority cannot be

refixed in the cadre of Deputy Block Development Officer also.

7. That apart, even as per the averment of the petitioner also, the panel for the year 1989 for promotion to the post of Extension Officer was

issued in the proceedings of the respondent dated 8.11.1990. But, the petitioner has filed the O.A. only in the year 1997, 7 years after his further

promotion as Deputy Block Development Officer. As such, on the ground of laches also, the petitioner's claim has to be rejected. The panel for

the year 1989 for promotion to the post of Extension Officer was drawn as on 1.3.1989. The petitioner had acquired the test qualification only in

November, 1989. Hence, basing on the seniority in the cadre of Rural Welfare Officer Grade II, the petitioner cannot claim retrospective promotion

and consequential seniority. For these reasons, I do not find any merit in the writ petition. Hence, the same is dismissed.