

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A. No.737 of 2015 and M.P. No.1 of 2015

- 1 The Commissioner of Revenue Administration
Chepauk, Chennai 600 005
- 2 The District Collector
Nagapattinam District
Nagapattinam Appellants/Respondents

vs.

R. Thirumaran
Deputy Tahsildar
Nagapattinam District Revenue Unit Respondent/Petitioner

Writ Appeal filed under Clause 15 of the Letters Patent
challenging the order dated 07.02.2014 passed in W.P. No.3636 of 2014.

Petition under article 226 of the constitution of India to issue
a writ of mandamus directing the respondents to include the name of
the petitioner in the panel of the year 2011-2012 and promote him as
Tahsildar from the date on which his immediate junior was promoted
with all monetary and attendant benefits.

For appellants Mr. P.S. Sivashanmugasundaram
Special Government Pleader

For respondent Mr. S.M. Subramaniam

JUDGMENT

(Judgment of the Court was delivered by SATISH K. AGNIHOTRI, J.)

With the consent of the learned counsel on either side, the writ
appeal is taken up for final disposal, at the admission stage itself.

2 The instant intra-Court appeal impugns the order dated
07.02.2014 passed in W.P. No.3636 of 2014.

3 The appellants challenge the direction given in the
aforesaid order by the learned Single Judge directing the appellants
to consider the respondent's representation dated 04.11.2013 in the

light of the judgment of the Full Bench of this Court in The Deputy Inspector General of Police, Thanjavur Range, Thanvapur and another vs. V. Rani¹ and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of the order.

4 The learned Special Government Pleader appearing for the appellants submits that as on that date, the fact situation of the case was the same as directed by the learned Single Judge. However, subsequently, a Government Order has been passed with retrospective effect. Thus, the appellants be permitted to consider the same also.

5 We have examined the case from all angles.

6 The learned Single Judge had only given a direction to the appellants to consider the case of the respondent in the light of the Full Bench decision of this Court (supra) on the identical issue. The respondents have failed to produce any material or advance any submission to take a contrary view to the one taken by the learned Single Judge. Thus, we find no reason warranting interference with the observation of the learned Single Judge.

7 Be that as it may, at this stage, it is not proper to pass any observation in respect of consideration of the matter in view of the subsequent development. The authorities are directed to consider the respondent's representation dated 04.11.2013, as directed by the learned Single Judge, in accordance with law and on its own merits.

8 Resultantly, the writ appeal stands dismissed. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

To

1 The Commissioner of Revenue Administration
Chepauk, Chennai 600 005

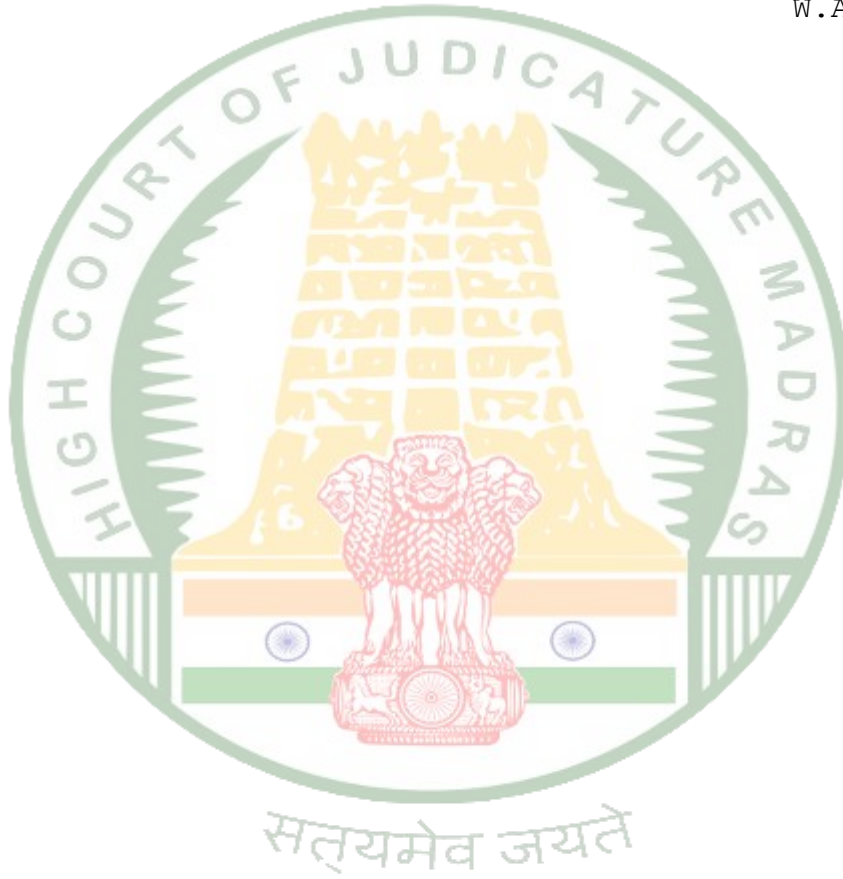
2 The District Collector
Nagapattinam District
Nagapattinam

+1 cc to M/s.S.M.Subramaniam, Advocate,SR.27231

+1 cc to Government Pleader,SR.26883.

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