

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15.4.2015.

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.10782 of 2015

1. A.Arulprakash
2. P.Kathirvel
3. K.Baskar

Petitioners

vs.

- 1 The Government of Tamilnadu
Represented by its Secretary
Revenue Department
Fort St. George Chennai-600009

- 2 The Special Commissioner and
Commissioner for Revenue Administration
Chepauk Chennai-600005

- 3 The District Collector
Namakkal District

- 4 Tamilnadu Public Service Commission
Represented by its Secretary
Chennai-3

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 3 herein to promote the petitioners as Deputy Tahsildar in the panel year of 2010 with all monetary and other attendant benefits so as to enable them to get promotion to the post of Tahsildar in the panel year of 2015.

For Petitioner : Mr.K.Raja

For RR1 to 3 : Mr.S.Gunasekaran, Govt. Advocate

ORDER

This writ petition has been filed by the three petitioners A.Arulprakash, P.Kathirvel and K.Baskar seeking a prayer for issuance a writ of mandamus directing respondents 1 to 3 herein to promote them as Deputy Tahsildar in the panel year of 2010 with all monetary and attendant benefits in order to enable them to get promotion to the post of Tahsildar in the panel of the year of 2015.

2. Learned counsel appearing for the petitioners would submit that all the three writ petitioners were denied promotion to the post of Deputy Tahsildar in the year 2010 on the ground that they failed to acquire service qualification as prescribed under Rule 38(b) of the Tamil Nadu Ministerial Service Rules whereas their juniors were given promotion as Deputy Tahsildar as they had acquired necessary service qualification earlier than the petitioner in the year 2010 itself. In this connection, all the petitioners have given various representations from 6.5.2011. It is his further claim that the third respondent has also recommended the case of the petitioners and forwarded their request to the second respondent on 8.9.2011 giving the reason that the petitioners were not able to acquire the service qualification due to the fault of the Department and on that ground, the third respondent sought for relaxation as done in the case of Mr.Kuppusamy. It is also brought to the notice of this court that the second respondent also recommended the case of the petitioners to the first respondent vide proceedings dated 28.11.2011. In view of the above, confining his request, the learned counsel for the petitioners sought for a direction to respondents 1 to 3 to consider the representation made by the petitioners on 6.1.2015.

3. Mr.S.Gunasekaran, learned Government Advocate accepts notice for respondents 1 to 3.

4. The third respondent, on entertaining the representation of the petitioners dated 6.5.2011, has recommended their case to the second respondent assigning reason that petitioners were not able to acquire service qualification due to the fault of the Department and thereupon sought for the relaxation as done in the case of Mr.Kuppusamy. Thus, without going into the merits of the case, respondents 1 to 3 are directed to consider the representation dated 6.1.2015 alongwith the recommendations of the third respondent dated 8.9.2011 and another recommendation dated 28.11.2011 made by the second respondent, preferably within a period of eight weeks from the date of receipt of copy of this order.

5. Accordingly, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssk.

To

- 1 The Secretary
The Government of Tamilnadu
Revenue Department
Fort St. George Chennai-600009
 - 2 The Special Commissioner and
Commissioner for Revenue Administration
Chepauk Chennai-600005
 - 3 The District Collector
Namakkal District
 - 4 The Secretary Tamilnadu Public Service Commission
Chennai-3
- + 1 cc to Mr.K.Raja, Advocate SR.20484
+ 1 cc Government Pleader Sr.20674
- TEJ(CO)
EU 29.04.2015

W.P.No.10782 of 2015



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