

In the High Court of Judicature at Madras

Dated: 10.09.2015

Coram

The Honourable Mr.JUSTICE M.SATHYANARAYANAN

Writ Petition No.28458 of 2015

D.Rajasekaran

.... PETITIONER

Vs

1. The Secretary to Government,
Revenue Department, Fort St. George,
Chennai - 9.
2. The Additional Chief Secretary,
Commissioner of Revenue Administration,
Chepauk, Chennai.
3. The District Collector,
Vellore District, Vellore.

.... RESPONDENTS

PETITION under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 05.08.2015 seeking for inclusion of petitioner's name in the temporary list of Deputy Collector for the year 2014-15 at the appropriate serial No.55 on the basis of the petitioner's seniority.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.R.Vijayakumar, AGP

O R D E R

By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioner while working as Revenue Inspector, criminal case in C.C.No.45 of 2011 on the file of the Judicial Magistrate No.3, Vellore was registered against him and was placed under suspension from 16.7.1997. The said suspension was revoked during the year 1999. The claim of the petitioner is that he was overlooked for the promotion to the post of Deputy Tahsildar on account of the pendency of the above-said criminal case. According to him, many of his juniors were promoted as Deputy Tahsildar and later as Tahsildar.

The petitioner would state that the criminal case in C.C.No.45 of 2011 on the file of the Judicial Magistrate No.3, Vellore ended in acquittal vide order dated 20.05.2013. The petitioner, after getting copy of the order of acquittal, submitted a representation dated 12.6.2013 to regularize the suspension period and also for grant of promotion to the post of Deputy Tahsildar and Tahsildar. Since no action was taken, the petitioner filed a Writ Petition in W.P.No.20309 of 2013, which was allowed by this Court by order dated 25.7.2013, in and by which, this Court directed the concerned respondent to dispose of the application of the petitioner dated 12.6.2013. The second respondent, in compliance to the said order, has considered the claim of the petitioner and included the name of the petitioner in the list of Deputy Tahsildar for the year 2006 in Serial No.26A between Sl.No.26 Thiru C.Ravi and Sl.No.27 Thiru.Y.Md.Alikhan.

3. The grievance now expressed by the petitioner is that his name was included in the list of Deputy Tahsildar for the year 2006 and since his juniors were promoted as Deputy Tahsildar and Tahsildar, his name ought to have been considered for promotion to the said post. He also expressed another grievance that the first respondent under G.O.(Ms) No.278 dated 21.7.2015 has drawn a temporary list for recruitment to the post of Deputy Collectors for the year 2014-15 and his name has been omitted to be included. In this regard, he has submitted a representation dated 05.08.2015 to the respondents and since no orders have been passed, the petitioner came forward to file this Writ Petition.

4. Heard the submissions of the learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

5. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner either in this Writ Petition or in the representation, directs the first respondent to consider the representation of the petitioner dated 05.08.2015 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

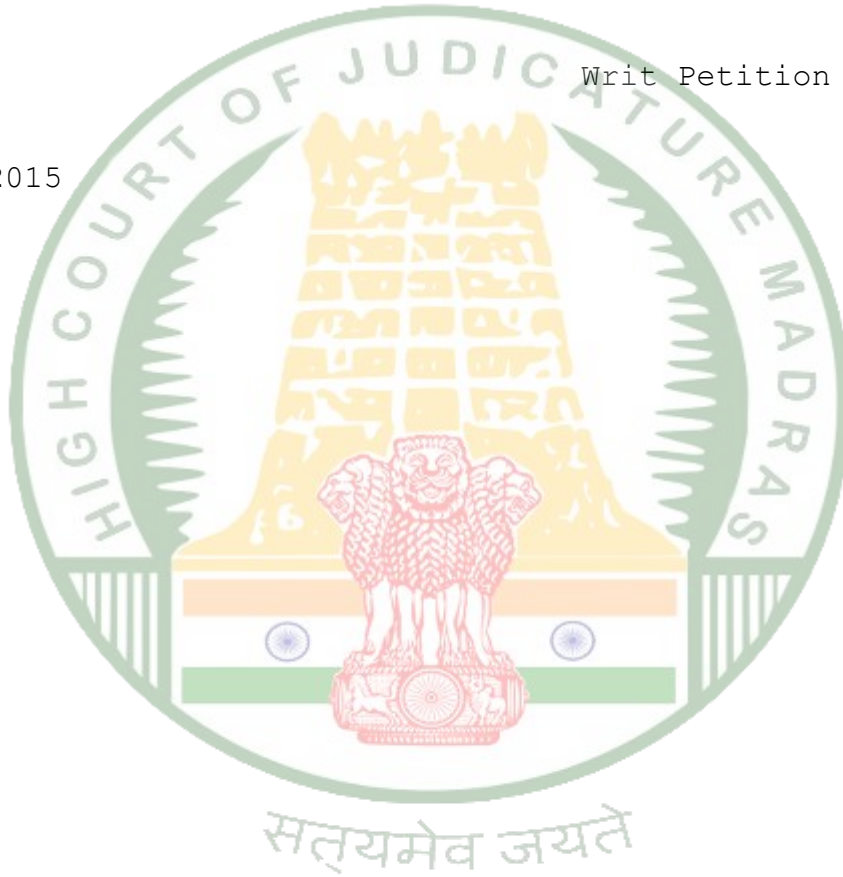
1. The Secretary to Government, Revenue Department,
Fort St. George, Chennai - 9.
2. The Additional Chief Secretary,
Commissioner of Revenue Administration, Chepauk, Chennai.
3. The District Collector, Vellore District, Vellore.

1 cc to Mr.G.Jeremiah , Advocate Sr.No.49303

1 cc to Government Pleader.Sr.No.49737/15

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sr(co)
pmk.29.9.2015



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