

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.32068 of 2015

And

M.P.No.1 of 2015

M.Kathiravan

... Petitioner

Vs.

- 1 The Government of Tamilnadu  
rep. by Secretary to Government, Revenue  
Department, Secretariat, Chennai-9.
- 2 The Commissioner of Revenue  
Administration, Chepauk, Chennai.
- 3 The District Collector,  
Ariyalur District, Ariyalur.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to include the name of the petitioner in the appropriate place in the ensuing panel for promotion to the post of Tahsildars in Ariyalur District for the year 2015 and to promote the petitioner as such without prejudice to his claim for empanelment and promotion as Tahsildar for the year 2011 in the light of the representations.

For Petitioner : Mrs.N.Revathi  
for M/s.M.Ravi  
For Respondents : Mr.S.Gunasekaran  
Government Advocate

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner was initially appointed as Assistant by way of direct recruitment through Tamil Nadu Public Service Commission on 21.10.2001 and got promotion as Deputy Tahsildar

on 09.01.2009 and according to him, he became fully eligible for being empanelled for promotion to the post of Tahsildar. The petitioner would further state that while serving as Deputy Tahsildar, he was visited with disciplinary proceedings under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules alleging certain lapses and simultaneously disciplinary proceedings were initiated against the Tahsildar and Revenue Inspector also and de hors the pendency of the disciplinary proceedings, some of them were given promotion and the petitioner was over-looked and his name was not included in the panel for promotion to the post of Tahsildar for the year 2011.

3.The petitioner in this regard, has also filed W.P.No.27766 of 2012 praying for appropriate direction directing the respondents therein to finalise and to pass orders in the disciplinary proceedings and this Court has disposed of the said writ petition by directing the respondent to complete the disciplinary proceedings within a period of three months. Ultimately, the disciplinary proceedings culminated in the order dated 23.07.2014 imposing the penalty of stoppage of increment for two years with cumulative effect. The petitioner once again made a challenge to the said order and it is still pending.

4.According to the petitioner, the currency of the Government Order in G.O.(2D) No.594, Revenue Department, dated 23.07.2014 will be over on 22.07.2016 and hence, there is no impediment on the part of the respondent to consider his name for the post of Tahsildar and in this regard has also submitted a representation dated 14.09.2015 to the third respondent and since no orders have been passed, came forward to file this writ petition.

5.Heard the submissions of the learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate who accepts notice on behalf of the respondents.

6.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the third respondent to consider and dispose of the petitioner's representation dated 14.09.2015 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-  
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

- 1 The Secretary to Government,  
The Government of Tamilnadu, Revenue Department,  
Secretariat, Chennai-9.
- 2 The Commissioner of Revenue  
Administration, Chepauk, Chennai.
- 3 The District Collector,  
Ariyalur District, Ariyalur.

+1 cc to Mr.M.Ravi, Advocate, sr.55043  
+1 cc to Government Pleader, sr.55485

W.P.No.32068 of 2015  
And  
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