

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2015

CORAM

THE HONOURABLE Mr.JUSTICE S.MANIKUMAR
AND
THE HONOURABLE Mr. JUSTICE M. VENUGOPAL

W.P.No. 32291 of 2015
and
M.P. No. 1 of 2015

P.Rajakumaran

... Petitioner

Vs.

1. The Union of India
Rep. by its Special Secretary to Government
cum District Collector
Department of Revenue and
Disaster Management
Government of Puducherry
Puducherry.
2. The Special Officer
The District Collector
Department of Revenue and
Disaster Management
Government of Puducherry
Puducherry.
3. G. Satyanarayanan
4. P. Rajeendran
5. O. Jawagar
6. V. Saraveswaran
7. The Registrar
Central Administrative Tribunal
Chennai Bench
Chennai.

... Respondents

PRAYER: Petitions filed under Article 226 of the Constitution of India for a Writ of Certiorarified Mandamus, calling for the records relating to the order of the 7th respondent in O.A. No.912/2014 dated 29.04.2015 and quash the same and consequently allow the said Original Application as prayed for in terms of various prayers contained in the said O.A and pass further orders.

For Petitioner : Mr.Stalin Abhimanya

For Respondents : Mr. R. Syed Musthafa,
Government Pleader (Pondy)
for R1 & R2
R7- Tribunal

O R D E R

(Order of the Court was made by S.MANIKUMAR, J.,)

Before the Central Administrative Tribunal, Madras Bench, the writ petitioner/ applicant has sought for a direction to the respondents to maintain 50% of the post of Deputy Tahsildar by direct recruitment as per Rule 11 of the Recruitment Rules (G.O.Ms.No.111/2007 dated 30.11.2007 Department of Revenue and Disaster Management, Government of Puducherry) at any given point of time.

2. Rule 11 of the said Rules, states that 50% of the posts are to be filled up by promotion and 50% by direct recruitment. It is the grievance of the petitioner/ applicant that without following the ratio, the respondents have chosen to fill up most of the posts by promotion. Contention has been raised that if 50% of the posts are filled up by direct recruitment, the petitioner/ applicant would have got fair chances of success of being selected. Perusal of the impugned order made in O.A. No. 912 of 2014 dated 29.04.2015 shows that earlier the applicant had appeared in the Direct Recruitment Examination held during 2010 for the post of Deputy Tahsildar and that he was not selected. He was working as UDC in the Labour Department.

3. Before the Central Administrative Tribunal, Madras Bench, learned Government Pleader for Puducherry, has produced details of the number of sanctioned posts of Deputy Tahsildars.

Upon perusal of the same, the Tribunal, has noted that out of 44 total sanctioned strength of Deputy Tahsildars, 22 posts belong to direct recruitment. As on the date of hearing of the Original Application, 23 incumbents were already been appointed against the direct recruitment quota and recording the same, the Tribunal has dismissed the O.A, stating that there is no violation of the ratio.

4. By inviting the attention of this Court to the information obtained under Right to Information Act, 2005, Mr. Stalin Abhimanyu, learned counsel for the writ petitioner, assailed the correctness of the order of the Central Administrative Tribunal, Madras Bench, and contended that the ratio between direct recruits and promotees has not been maintained, in the Department of Revenue and Disaster Management, Government of Puducherry. Going through the information furnished by the Special Secretary cum Collector, Department of Revenue and Disaster Management, Puducherry dated 16.04.2015 addressed to Ms. M. Saranya, Puducherry, it is noticed that in the list of Deputy Tahsildars, 1 to 3 and 17 to 36 are directs. The remaining 4 to 16 and 37 to 52 have been promoted as Deputy Tahsildars on adhoc basis. It is needless to state that Adhoc promotions are made only as a stop gap arrangement.

5. Though the learned counsel for the petitioner further contended that vide proceedings dated 17.04.2014 the Special Officer, Department of Revenue and Disaster Management, Government of Puducherry, has sought for details, for filling up the vacancies of Deputy Tahsildars on regular basis, and thus promotions made would disturb the ratio. This Court is not inclined to accept the said contentions for the reason that the materials furnished before the Central Administrative Tribunal, Madras Bench, have been duly considered, to ascertain as to whether the ratio of 50: 50 in the post of Deputy Tahsildars between direct recruits and promotees, is maintained. The prayer sought for is, with reference to any given point of time. At the time of hearing of the Original Application, the details furnished by the Government Pleader categorically indicate that out of the sanctioned strength of 44 Deputy Tahsildar posts, 22 belong to direct recruitment quota and on the said date, 23 incumbents have been appointed in the direct recruitment quota. Adhoc promotions can be made depending upon the need of the hour. The writ petitioner, was not selected for the post of Deputy Tahsildar in the year 2010, in the Direct Recruitment

Examination. Prayer sought for, before the Central Administrative Tribunal, Madras Bench has been considered with reference to the details furnished by the learned Government Pleader, are answered accordingly, and hence does not deserve to be interfered with.

6. In view of the above, the Writ Petition is dismissed and the order made in O.A. No. 912 of 2014 dated 29.04.2015 is sustained.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

avr

To

1. The Special Secretary to Government
cum District Collector
Department of Revenue and
Disaster Management
Union of India
Government of Puducherry
Puducherry.
2. The Special Officer / The District Collector
Department of Revenue and
Disaster Management
Government of Puducherry
Puducherry.
3. The Registrar
Central Administrative Tribunal
Chennai Bench, Chennai.

+1cc to Mr.Stalin Abhimanya, Advocate, S.R.No.56454

+1cc to the Government Pleader, S.R.No.55989

W.P.No. 32291 of 2015 and
M.P. No. 1 of 2015

AD(CO)

CA(06/11/2015)