IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.32667 of 2015

M.Alagirisamy ... Petitioner

Vs.

1. State of Tamil Nadu, rep by its Secretary to Government, Revenue Department, Secretariat, Chennai-09.

2. Additional Chief Secretary/ Commissioner of Revenue Administration, Chepauk, Chennai-05. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st Respondent to consider and pass orders on the representation made by the petitioner dated 15.09.2015 for relaxation of Rule 8 (a) and Rule 7 (b) of Revenue Subordinate Services as in the case of others issued in G.O.Ms.No.544 Revenue Department dated 07.10.2008 and followed by reminder on 05.02.2013 fixing outer time limit and include the name of the petitioner in the panel of the year 2007 for promotion to the post of Tahsildar and confer all the consequential benefits.

For Petitioner : Mr.C.Selvaraju
Senior Counsel
M/s.C.S.Associates

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 joined the services of Revenue Department as the Junior Assistant on 11.12.1981 and was promoted as Assistant on 20.11.1992 and he claims that he has passed all the regular Departmental Test for his promotion to the post of Deputy Tahsildar and the initial date for inclusion is 15th September of every year. The petitioner would stated that the panel for the year 2004 was prepared on 22.03.2005 which consists of 16 persons as against 17 vacancies and vacancies of S.T. is not filled. However, promotion was restricted only upto 10 persons and were given on 23.03.2005 and though the petitioner was included in Serial no.15 on account of the said restriction, petitioner was not given promotion as Deputy Tahsildar.

3.It is the claim of the petitioner that though there were vacancy in the post of Deputy Tahsildar, six persons were not given promotion on 23.03.2005 and in that event there may not be any difficulty as six persons could have been completed probation for the period of two years in the cadre of Deputy Tahsildar and in respect of 6 persons, Government has also relaxed under Rule 7(b) for undergoing the Magisterial training and for which, the panel was drawn for the year 2007 on 23.10.2008.

4.The grievance expressed by the petitioner is that the crucial date for the year 2007 is 01.07.2008 and six persons who were promoted on 09.07.2005 could not complete probation which include him and thereby he is running short of eight days as they were given promotion only on 09.07.2005. The petitioner in this regard has also submitted representation through proper channel to the respondents praying for relaxation of Rule 8(a) and Rule 7(b) of Tamil Nadu Revenue Subordinate Services Rules dated 15.09.2015 and since no orders have been passed, came forward to file this writ petition.

5.The learned Senior Counsel appearing for the petitioner would submit that on account of the belated promotion given to the petitioner, there was short of eight days in completing the probation and in the light of the above said Rule, the First respondent is having all the powers to relax the above said Rules and prays for appropriate orders.

6.This Court also heard the submissions of Mr.S.Gunasekaran, learned Government Advocate who accepts notice on behalf of the respondents.

7.Though the petitioner prayed for the larger relief, this Court in the light of the above facts and circumstances, directs the first respondent to consider and dispose of the petitioner's representation dated 15.09.2015 on merits and in accordance with law in the light of the Government Orders in G.O.(2D) No.293, Revenue Department dated 20.06.2008 and G.O.(2D) No.544, Revenue Department dated 07.10.2008 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

8.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

pri

To

1. The Secretary to Government of Tamil Nadu,
Revenue Department,
Secretariat, Chennai-09.

2. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai-05.

+1cc to Mr.C.S.Associates, Advocate, S.R.No.56040

W.P.No.32667 of 2015

SVI(CO)
CA(28/10/2015)