

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2016

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.21104 of 2014

and M.P.No.1 of 2014

and

W.P.No.526 of 2016

T.V.Ravishankar
S/o.Vijaya Ranga Reddy,
Assistant,
Collector's Office,
Erode District

..Petitioner in both W.Ps

Vs.

1. The District Collector
Erode District, Erode

2. The District Revenue Officer,
Erode District, Erode

.. Respondents in both W.Ps

Prayer in W.P.No.21104 of 2014: The Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in connection with the impugned order passed by him in Na.Ka.No. 39972/2013/A3 dated 19.3.2014 and quash the same and direct the respondents to consider the claim of the petitioner for promotion as Deputy Tahsildhar by including his name in the panel of the year 2013 and promote him as Deputy Tahsildhar and grant him all consequential service and monetary benefits at par with his junior.

Prayer in W.P.No.526 of 2016: The Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider and pass orders on the representation made by the petitioner to treat the period of suspension from 5.6.2013 to 4.8.2013 as duty for all purposes and further direct the respondents to consider the claim of the petitioner for promotion as Deputy Tahsildar by including his name in the panel for the year 2013 in the light of the acquittal in the criminal case in C.C.No.176/2013 dated 26.11.2015 on the file of the Judicial Magistrate Court,

Rasipuram and grant him all consequential service and monetary benefits at par with his junior.

For Petitioner : Mr.K.Venkatramani, Senior Counsel
in both W.Ps for Mr.M.Muthappan

For Respondents: Mr.V.Jayaprakash Narayanan
in both W.Ps Special Government Pleader

COMMON ORDER

By consent, the writ petitions are taken up for final disposal at the admission stage itself.

2. Writ Petition No.21104 of 2014 is filed for a Writ of certiorarified Mandamus, to quash the order of the first respondent in Na.Ka.No.39972/2013/A3 dated 19.3.2014 and to direct the respondents to consider the petitioner for promotion as Deputy Tahsildhar by including his name in the panel for the year 2013 and promote him as Deputy Tahsildhar.

3. Writ Petition No.526 of 2016 is filed to issue a Writ of mandamus, directing the respondents to consider the representation made by the petitioner to treat the period of suspension from 05.06.2013 to 04.08.2013 as duty for all purposes for promotion as Deputy Tahsildhar.

4. Heard the submissions of Mr.K.Venkataramani, learned Senior Counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, Special Government Pleader who accepts notice on behalf of the respondents.

5. Learned Senior counsel appearing for the petitioner would submit that though the petitioner has filed the Writ Petition to quash the order of the first respondent, it would be suffice to direct the respondents to consider the petitioner's representation dated 05.12.2015.

6. The learned Senior Counsel appearing for the petitioner further submitted that the petitioner was appointed as Assistant through Tamilnadu Public Service commission on 01.09.2008. The petitioner is entitled to be included in the panel of Deputy Tahsildhar for the year 2013. However, due to his implication in a criminal case registered in Crime No.5 of 2013, suspended from service from 05.06.2013 to 04.08.2013, the petitioner was not included in the panel.

7. The learned Senior Counsel further submitted that the Criminal case was charge sheeted before the Judicial Magistrate, Rasipuram in C.C.No.176 of 2013 and he was acquitted by the Trial Court on 26.11.2015. and as per the fundamental rules 54

(9) (a) (b), the period of suspension should be treated as duty for all purposes. If the period of suspension is taken as duty, the petitioner would be entitled for inclusion in the panel of the year 2013 for the post of Deputy Tahsildhar. In this regard, the petitioner has submitted a representation dated 05.12.2015. Since no order has been passed, the present Writ Petitions have been filed.

8. This Court, taking into consideration of the submissions of the learned Senior counsel for the petitioner and in the light of the facts of the case, directs the respondents 1 and 2 to consider the representation of the petitioner dated 05.12.2015, and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With the above directions, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions is closed.

srn

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The District Collector
Erode District, Erode.
2. The District Revenue Officer,
Erode District, Erode.

+ 1 CC TO Mr.M.Muthappan, ADVOCATE SR 3109

+ 1 CC TO THE GOVT.PLEADER, SR 3021

KR/24/2/16

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and
W.P.No.526 of 2016