

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.13588 of 2016 and
W.M.P. No.11892 of 2016

V.Desureddy

.. Petitioner

-VS-

1.State of Tamil Nadu,
represented by the
Additional Chief Secretary and
Commissioner of Revenue Administration,
Chepauk, Chennai-600 005.

2.The District Collector,
Tiruvannamalai District,
Tiruvannamalai - 606 604.

3.The Public Relations Officer/
The Personnel Assistant (General)
to the District Collector,
Tiruvannamalai District,
Tiruvannamalai - 606 604.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records of the second respondent pertaining to his order made in letter No.A1/39853/2012 dated 13.01.2016 and the order of third respondent made in letter No.A1/12609/2013 dated 02.05.2013 and quash the same and consequently direct the respondents to advance the date of promotion of the petitioner to the cadre of Deputy Tahsildar at par with his juniors of the year 2000 batch cases in accordance with the instructions issued in G.O. Ms. No.203, Personnel and Administrative Reforms (S) Department dated 30.10.2000 and letter dated 24.08.2001 and consequential service benefits and thereby to revise and re-fix the service benefits of the petitioner including pension with all attendant benefit including monetary benefits.

For Petitioner : Mr.R.Malaichamy

For respondents : Mr.R.Vijayakumar,
Additional Government Pleader

O R D E R

The petitioner, after retiring from service five years ago, has come to this Court, challenging the order dated 02.05.2013 made in letter No.A1/12609/2013 passed by the third respondent, which has been confirmed by the second respondent by letter No.A1/39853/2012 dated 13.01.2016 on the ground that the petitioner has made a claim belatedly.

2.The petitioner, who was recruited through TNPSC as Typist in the year 1982, got promotion to the post of Assistant and subsequently to the post of Deputy Tahsildar in the year 2004. He was further promoted to the post of Tahsildar and retired from service with effect from 30.06.2010. His grievance is that when he was due for promotion in the year 2000, was issued with a 17(b) charge memo dated 11.12.2000, which ultimately came to be finalised by the District Revenue Officer on 04.12.2004 with a punishment of warning. As he was unable to get the promotion, he has made a representation on 05.12.2012 to the second respondent to consider his case for notional promotion as per G.O. Ms.203 Personnel and Administrative Reforms (S) Department dated 30.10.2000 along with a letter dated 24.08.2001 issued by the Personnel and Administrative Reforms (S) Department. But finally his representation was rejected by both 2nd and 3rd respondents.

3.Learned counsel appearing for the petitioner would submit that as the petitioner was physically challenged person and his two legs are completely paralysed, he was not able to pursue the matter in time.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5.A communication dated 10.09.2015, issued by the second respondent shows that the petitioner's claim would be considered on receipt of certain documents from him. But after some time, the second respondent has rejected the case on the ground that his claim cannot be considered. I also find no merits in the reasoning. When the petitioner got warning in the departmental proceeding initiated against him, pursuant to the charge memo dated 11.12.2000, by order dated 04.12.2004 passed by the District Revenue Officer, he has not filed any representation whatsoever seeking any claim. Therefore, when he himself has failed to make any representation from the year 2004 to 2011 and in the meanwhile the petitioner was also retired from service in the year 2010, nothing survives in the writ petition.

Accordingly, the Writ Petition fails and the same is dismissed.
No costs. Consequently, connected W.M.P. is closed. Consequently
connected WMP is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vga
To

1.The Additional Chief Secretary and
Commissioner of Revenue Administration,
Chepauk, Chennai-600 005.

2.The District Collector,
Tiruvannamalai District,
Tiruvannamalai - 606 604.

3.The Public Relations Officer/
The Personnel Assistant (General)
to the District Collector,
Tiruvannamalai District,
Tiruvannamalai - 606 604.

+1 cc to Government Pleader sr.22915
+1 cc to Mr.R.Malaichamy Advocate sr.23176

W.P. No.13588 of 2016

sv (co)
aa31/05/2016

WEB COPY