

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.No.5262 of 2007

K.Devanan

Petitioner

Vs

1.Government of Tamil Nadu by Secretary to Government
Revenue Department, Fort St.George, Chennai-9

2.The Principal Commissioner and Commissioner of
Revenue Administration, Chennai-5

3.The District Collector, Salem

Respondents

Prayer:- This Writ Petition came to be filed by transfer of OA.No.6506 of 2002 from the file of the Tamil Nadu Administrative Tribunal, Chennai, to call for the records of the 3rd Respondent in Proc.Roc.Pdl.No.37/98/A2, dated 28.01.1999 and to quash the same in so far as the directions to regularise the services of the Petitioner in the post of Tahsildar with reference to the date of drawal of regular list of Tahsildars and issue directions to the Respondents to regularise the services of the Petitioner from the date of his initial appointment as Tahsildar i.e. 31.12.1997 and fix his seniority on that basis and include his name in the ensuing panel for Deputy Collector in the Tamil Nadu Civil Service.

For Petitioner : Mr.M.Ravi

For Respondent : Mr.A.Kumar, SGP

ORDER

In this Writ Petition, the Petitioners seeks for regularisation of his services from the date of his initial appointment as Tahsildar i.e. 31.12.1997.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. Though the Petitioner has prayed for regularisation with effect from 31.12.1997, he now would confine the relief to

the extent as admitted in the counter i.e. regularisation with effect from 1.7.1998. Therefore, he only pleads that since he had already retired, he could be given notional benefit with effect from 1.7.1998.

4. The learned Additional Government Pleader for the Respondents would contend that since the Petitioner was working on temporary promotion, he will not be eligible for regularisation.

5. In the counter, in paragraphs 4 and 6, it is stated as under:-

"4. The period prior to 01.07.1998 could not be taken into account for regularisation. Hence, the service of the applicant herein has been regularised in the cadre of Tahsildar with effect from 1.7.1998.

9. The services of the applicant from the date of his temporary promotion cannot be taken into account for regularisation, as he was not fully qualified on that date. The applicant becomes eligible for regularisation of his service in the category of Tahsildar with effect from 1.7.1998 only. "

6. On a careful perusal of the counter, it is found that the Petitioner was eligible as early as on 1.7.1998 and he was also given temporary promotion. Further, the Petitioner had already retired from service. Therefore, the Petitioner is eligible for notional retirements benefits to the extent admitted in the counter i.e. the notional retirements benefits with effect from 1.7.1998 only and not claimed by him from 31.12.1997. In the regard, orders shall be passed by the concerned authority within a period of four months from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs.

Srcm

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To:

1. Government of Tamil Nadu by Secretary to Government
Revenue Department, Fort St. George, Chennai-9

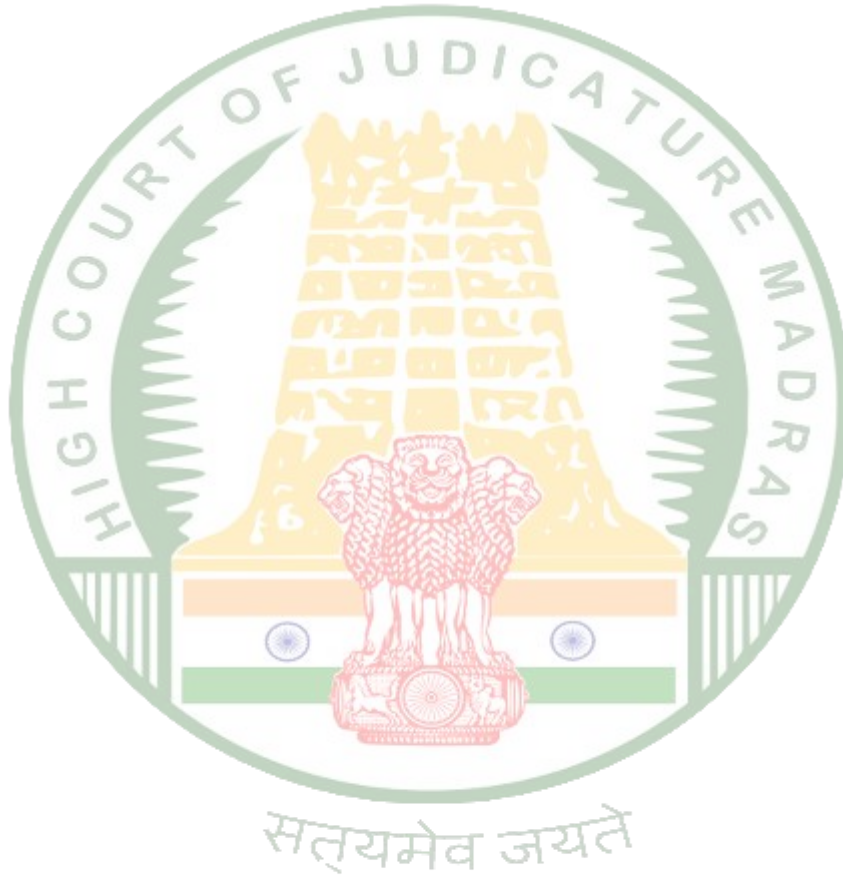
2.The Principal Commissioner and Commissioner of
Revenue Administration, Chennai-5

3.The District Collector, Salem

+ 1 cc to Mr.M.Ravi, Advocate SR 46571

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