

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.19783 of 2016
and W.M.P.No.17085 of 2016

A.Valliammal

.. Petitioner

Vs.

1.The Principal Secretary and
Commissioner of Revenue Administration
Chepauk
Chennai-600 005.

2.The District Collector
Vellore District
Vellore-9.

..Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the 3rd respondent in No.A1.Pd1.30/2015, dated 03.11.2015, insofar as non-inclusion of the petitioner's name in the temporary panel of Deputy Tahsildar for the year 2015 is concerned and quash the same and consequently, to direct the respondents 1 and 2 to include the petitioner's name in between S.Nos.10 and 11 as 10-A and to confer the promotion post of Deputy Tahsildar with all attendant and consequential benefits with due regards to petitioner's seniority and to pass further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner सत्यमेव जयते Mr.R.S.Anandan

For Respondents : Mr.Rajaperumal
Government Advocate

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O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records relating to the 3rd respondent in No.A1.Pd1.30/2015, dated 03.11.2015,

insofar as non-inclusion of the petitioner's name in the temporary panel of Deputy Tahsildar for the year 2015 is concerned and quash the same and consequently, to direct the respondents 1 and 2 to include the petitioner's name in between S.Nos.10 and 11 as 10-A and to confer the promotion post of Deputy Tahsildar with all attendant and consequential benefits with due regards to petitioner's seniority.

3. The petitioner entered into service as Assistant, on 11.01.2010. The petitioner was served with a show cause notice by the 3rd respondent, on 19.09.2013, under Rule 17(a) of Tamil Nadu Civil Services (Discipline and Appeal) Rules. For which, he has given his explanation, on 04.10.2013. The 3rd respondent held that the two charges were proved and awarded the punishment of stoppage of next increment for a period of two years with cumulative effect, as per order, dated 23.11.2013. Against which, an appeal was filed. The 2nd respondent, after considering the appeal, modified the penalty into stoppage of increment for a period of one year without cumulative effect, by order dated 06.05.2015. Against which, the petitioner has filed a revision before the 1st respondent, on 30.06.2015. The revision was rejected, by order dated 28.12.2015. In the mean while, the temporary panel of Deputy Tahsildar for the year 2015 was released as per the Notification of the 1st respondent in No.A.Pd1.30/2015, dated 31.10.2015. The petitioner has submitted a representation, dated 18.01.2016, to the 1st respondent, to include the petitioner's name in the panel for the promotion. The same was forwarded to the 2nd respondent, but, till date, there was no response. Aggrieved against the same, seeking the relief stated supra, the petitioner has filed the present Writ Petition.

4. Mr.R.S.Anandan, the learned counsel for the petitioner would submit that, though, the relief sought for in this Writ Petition is for a larger relief, he is restricting his claim and he would be satisfied, if a direction is issued to the 2nd respondent to consider the representation of the petitioner, dated 18.01.2016, and pass appropriate orders.

5. Mr.Rajaperumal, the learned Government Advocate, who takes notice on behalf of the respondents, would contend that he has got no objection, in directing the 2nd respondent to consider the representation of the petitioner and to pass appropriate orders, on merits and in accordance with law.

6. Taking into consideration that the petitioner has restricted his prayer, this Court, without going into the merits of the claim made by the petitioner, directs the 2nd respondent to consider the representation of the petitioner, dated 18.01.2016, and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably

within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

paa

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Principal Secretary and
Commissioner of Revenue Administration
Chepauk
Chennai-600 005.

2.The District Collector
Vellore District
Vellore-9.

+ 1 cc to Mr.R.S.Anandan, Advocate SR 31522

+ 1 cc to Govt.Pleader SR 31955

msm(co)
prk23/6

W.P.No.19783 of 2016

सत्यमेव जयते

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