

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :16.09.2016

CORAM :

THE HONOURABLE Mr.JUSTICE R.SUBBIAH

W.P.No.25039 of 2016

and

M.P.No.21469 of 2016

M.Jothi

... Petitioner

Vs.

1.The State of Tamil Nadu

rep. by the Secretary to Government,
Revenue Department,
Fort St. George,
Chennai-600 009.

2.The Additional Chief Secretary

and Commissioner of Land Administration,
Chepauk, Chennai-600 005.

3.The Principal Secretary / Commissioner of

Revenue Administration,
Chepauk, Chennai-600 005.

4.The Principal Secretary to Government

Personnel and Administration Reforms (S) Dept,
Fort St. George, Chennai-600 009.

5.The Commissioner,

Tribunal for Disciplinary Proceedings,
1st Floor, Kuralagam,
Chennai-600 001.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the 1st respondent to consider the petitioner's name for promotion to the post of Assistant Commissioner/Deputy Collector or to provide promotion on temporary basis to the said post(s) as per the G.O.No.105, dated 09.10.2015 issued by the 4th respondent herein.

For Petitioner : Mr.S.Arunkumar

For Respondents : Mr.R.Rajeswaran, Spl. PP.

ORDER

This Writ Petition has been filed by the petitioner, praying for issuance of a Writ of Mandamus, directing the 1st respondent to consider the petitioner's name for promotion to the post of Assistant Commissioner/Deputy Collector or to provide promotion on temporary basis to the said post(s) as per the G.O.No.105, dated 09.10.2015 issued by the 4th respondent herein.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows_

2-1.The petitioner was appointed as a Typist in the year 1984 in the Office of the Joint Commissioner (Land). Thereafter, he was promoted to the post of Assistant in the same Office. He was sent on deputation to work as Revenue Inspector, for which he underwent training for two years period during 1995 & 1996, and worked as Revenue Inspector in Vellore District.

2-2.Thereafter, the petitioner was deputed for training to work as Tahsildar and he underwent two years training as Tahsildar in Vellore District during the years 2009 to 2011. During the said period from 21.10.2010 to 16.05.2011, he worked as Tahsildar at Arcot in Vellore District. After completing the said two years training, he was posted to work as Superintendent in the Office of the Land Administration, Chennai on 16.05.2011.

2-3.It is further stated by the petitioner that he was due for promotion to the posts of Assistant Commissioner (AC), Deputy Collector (DC), Revenue Divisional Officer (RDO). Though many of his juniors have been promoted to the said posts, he is being denied the same. The 1st respondent issued G.O.(ID). No.369 Revenue (Ser-5) Department dated 11.10.2013 fixing an estimate of two vacancies for the post of Assistant Commissioner (Class XLV) (with Tahsildar Training). Though the petitioner's name was included already for promotion to the said post, he has not been promoted. The 1st respondent has also issued G.O. (MS).No.57 Revenue (Ser-1) Department, dated 06.02.2014, showing the list of Deputy Collectors to fill up 166 such posts, in which though the petitioner's name was included at Sl.No.115; but, the petitioner has not been promoted till date. At the same time, the petitioner's juniors were placed above his name to deprive his chance of promotion. The petitioner came to know that his promotion is being denied on the basis of an issue relating to non-eviction of an encroachment of the government land prior to the year 2009 in Arcot Taluk, Vellore District. While so, the 4th respondent has issued a G.O.No.105, dated 09.10.2015, carrying out an amendment to the Tamil Nadu Service Manual, 1987, wherein it is made clear that the appointing authority may promote an officer temporarily pending enquiry

into the allegations against him. In this regard, the petitioner has made several representations to the respondents requesting to promote him to the post of Assistant Commissioner/Deputy Collector or to provide promotion on temporary basis. Since the petitioner's representations were not considered by the 1st respondent, the petitioner has come forward with the present writ petition before this Court.

3. Heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

4. Considering the facts and circumstances of the case, this Court directs the petitioner to give a fresh representation to the 1st respondent with regard to his promotion, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order. On such representation being made, the 1st respondent is directed to consider the same and to pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner.

With the above direction, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

To

1. The Secretary to Government,
State of Tamil Nadu
Revenue Department,
Fort St. George,
Chennai-600 009.

2. The Additional Chief Secretary
and Commissioner of Land Administration,
Chepauk, Chennai-600 005.

3.The Principal Secretary / Commissioner of
Revenue Administration,
Chepauk, Chennai-600 005.

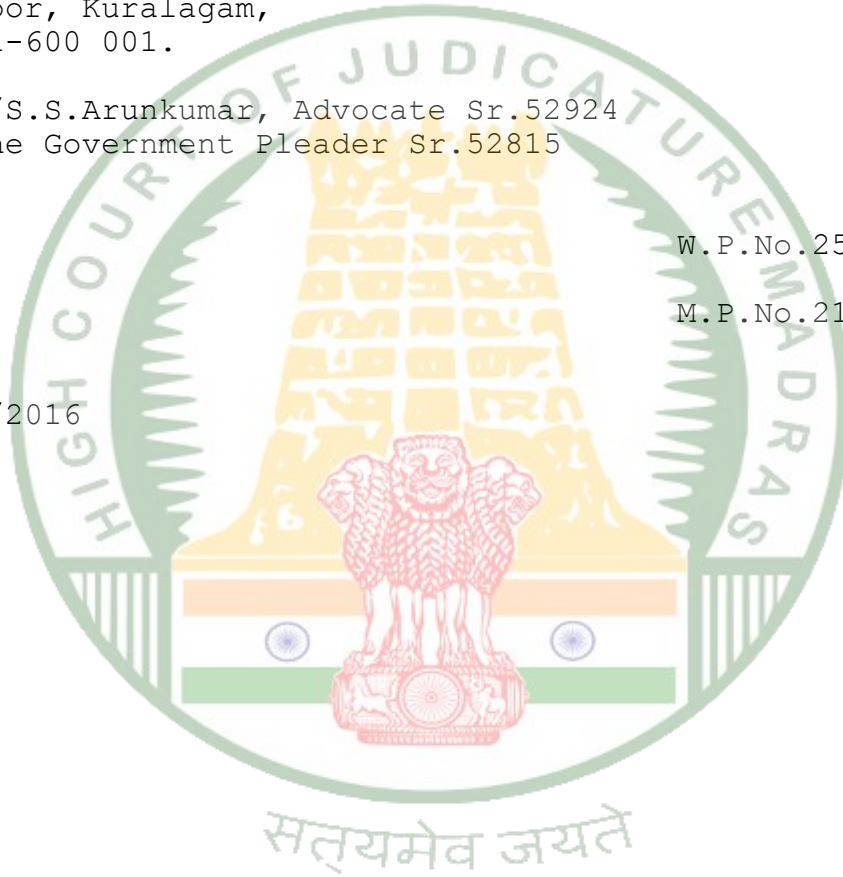
4.The Principal Secretary to Government
Personnel and Administration Reforms (S) Dept,
Fort St. George, Chennai-600 009.

5.The Commissioner,
Tribunal for Disciplinary Proceedings,
1st Floor, Kuralagam,
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+1cc to M/S.S.Arunkumar, Advocate Sr.52924
+1cc to the Government Pleader Sr.52815

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