

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Appeal No.814 of 2016
and
CMP.No.10637 of 2016

1. The Principal Secretary,
Commissioner of Revenue Administration,
Chepauk, Chennai-5.
 2. The District Collector,
Tiruvannamalai.
 3. The District Revenue Officer,
Tiruvannamalai.
- ... Appellants

Vs.

- 1.N.Vadivel
 - 2.E.Kalaiyarasi
 - 3.P.Kaveri
- ... Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order made in W.P.No.24117 of 2013 dated 29.08.2013.

W.P.No.24117 of 2013 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the 3rd respondent in his proceedings No.A3/ 38896/12 dated 21.05.2013 and to quash the same and consequently direct the 3rd respondent to include the petitioner's name in the panel of Assistants for the year 2012.

For Appellants : Mrs.A.Srijayanthi,
Special Government Pleader

For Respondents : Mr.S.Vijayakumar

JUDGMENT

(Judgment of this Court was made by HULUVADI G. RAMESH, J.)

By order dated 29.08.2013, the learned Single Judge, by following the earlier orders passed by this court in W.P.Nos.28666 and 30475 of 2012 dated 14.02.2013, allowed the Writ Petition No.24117 of 2013 filed by the respondents herein/writ petitioners, and directed the District Revenue Officer, Tiruvannamalai, /3rd respondent/3rd appellant herein, to include the names of the writ petitioners/respondents herein in the promotion panel for the post of Assistant for the year 2012 at the appropriate place.

2. The appellants/State would contend in their grounds that as per G.O.Ms.No.417 P & AR Department dated 01.12.1993, the Typists shall undergo training as Junior Assistant for a period of one year by allotting a few subjects covering different aspects of the Department and he/she shall be allowed to dispose of the files without detrimental to the typing work. It is also contended that The Principal Secretary/Commissioner of Revenue Administration, Chennai, in his Circular Roc.No.Ser 4(1) 22579/2012 dated 25.10.2012 has instructed all the District Collector to ensure imparting of one year training as Junior Assistant to Typists without any reference to vacancy in Junior Assistant cadre and issue order for such training on the date of completion of probation itself so that this issue does not crop up again and also instructed to follow G.O.Ms.No.16 P&AR Department (Per-B) Department dated 21.02.2002.

3. The learned Special Government Pleader appearing for the appellants/State, submits that the Service Rules cannot be ignored at any cost by any authority in the Department. However, as per the direction issued by the learned Single Judge, the Government has complied with the order dated 29.08.2013 and hence, the prayer sought for in the Writ Appeal has become infructuous. However, the learned Special Government Pleader, has made a plea that this subsequent development taken place in the present issue, may not be treated as a precedent as the Government Authorities are bound to follow the Executive Instructions issued by the Head of the Department-cum-the Principal Secretary and Commissioner of Revenue Administration.

4. We have gone through the order of the learned Single Judge and anxiously considered the submissions made on the side of the appellants/state.

5. Since already the order of the learned Single Judge has been complied with, this Writ Appeal is dismissed as infructuous, however, making it clear that the above judgment is made on the facts of the case and taking note of the subsequent developments and hence, the same shall not to be followed as a precedent. No costs. Consequently, connected CMP is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nvsri

To

1. The Principal Secretary,
Commissioner of Revenue Administration,
Chepauk, Chennai-5.
2. The District Collector,
Tiruvannamalai.
3. The District Revenue Officer,
Tiruvannamalai.

+1cc to Mr.S.Vijaya Kumar, Advocate, S.R.No.39958
+1cc to the Government Pleader, S.R.No.39985

W.A.No.814 of 2016

CTK(CO)
CA(04/08/2016)

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