

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.35775 of 2016

R.Sivasankaran

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep by its Secretary to Government,
Revenue Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The State of Tamilnadu,
Rep by its Principal Secretary cum
Commissioner of Revenue Administration,
Ezhilagam,
Chepauk, Chennai - 600 005.
3. The District Collector,
Salem.
4. The District Revenue Officer,
Collectorate, Salem.
5. The Revenue Divisional Officer,
Athur,
Salem District.
6. The Tashildar,
Athur,
Salem District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to consider and pass order for promoting the petitioner to the post of Village Administrative Officer from the post of Village Assistant as per the proposals sent by the 6th respondent in Na.Ka.No.2467/2015/A7 dated .06.2015 and Na.Ka.No.2467/2015/A7 dated .10.2015 in the light of the G.O.(Ms).570 Revenue (Ser 8(1) Department dated 26.12.2014 to the petitioner within the time limit fixed by this Honourable Court.

For Petitioner : Mr.M.Vijayakumar
For Respondents : Mr.N.Srinivasan
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the third respondent to consider and pass order for promoting the petitioner to the post of Village Administrative Officer from the post of Village Assistant as per the proposals sent by the sixth respondent in Na.Ka.No.2467/2015/A7 dated .06.2015 and Na.Ka.No.2467/2015/ A7 dated .10.2015 in the light of the G.O.(Ms).570 Revenue (Ser 8 (1) Department dated 26.12.2014 to the petitioner within the time limit fixed by this Court.

3.The petitioner would state that he was appointed as a Village Assistant in the permanent vacancy vide proceedings of the sixth respondent dated 28.08.1992 on consolidated pay. Thereafter, the post of Village Assistant was brought under time scale of pay by the Government of Tamil Nadu with effect from 01.06.1995 and since the petitioner had completed two years of service, his service was regularised with effect from 01.06.1995.

4.The petitioner would further state that the Government in G.O.Ms.No.570, Revenue (Ser 8(1)) Department, dated 26.12.2014 reserved 20% of the vacancies in the post of Village Administrative Officer in the District Level to be filled from the post of Village Assistant who have completed 10 years of service and having minimum educational qualification of S.S.L.C./ 10th Standard. The petitioner's place for working as Village Assistant comes under the Salem District. Vide, G.O.Ms.No.254 Revenue (Ser 8(1)) Department, dated 09.07.2015, guidelines were issued for appointment of Village Administrative Officer by promotion from the post of Village Assistant.

5.The petitioner would further state that the sixth respondent in compliance of the direction of the third respondent in Na.Ka.No.24270/2014/A5 dated 22.08.2014, has sent proposals in Na.Ka.No.2467/2015/A5, proposing the petitioner's name for promotion for the period 2013-2014 and the same is still pending with the third respondent. Hence, left with no other alternative, the petitioner has come forward with this petition.

6. Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader who takes notice for the respondents.

7. Considering the submissions made on either side and without going into the merits of the case, this Court directs the petitioner to give a fresh representation along with a copy of this order to the respondents, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent is directed to consider the said representation and pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter.

8. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents to decide the matter, purely on merits.

9. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

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

2. The Principal Secretary cum
Commissioner of Revenue Administration,
State of Tamilnadu,
Ezhilagam,
Chepauk, Chennai - 600 005.

3. The District Collector,
Salem.

4. The District Revenue Officer,
Collectorate, Salem.

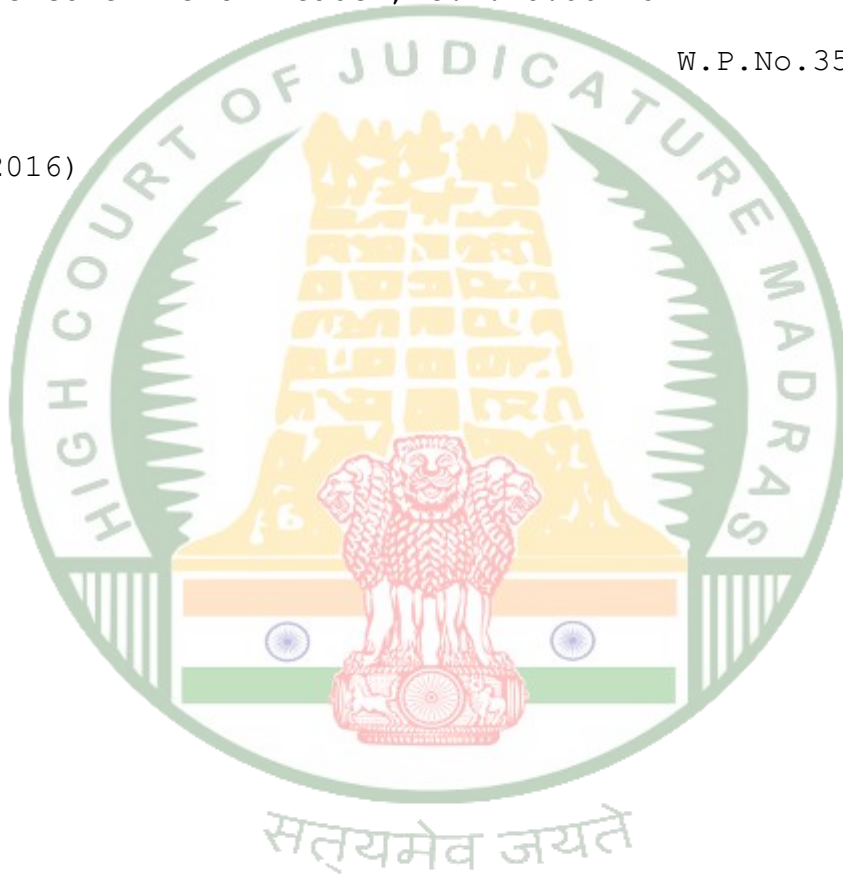
5. The Revenue Divisional Officer,
Athur,
Salem District.

6. The Tashildar,
Athur,
Salem District.

+1cc to Mr.M.Vijayakumar, Advocate, S.R.No.58241
+1cc to the Government Pleader, S.R.No.58215

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RV(CO)
CA(19/10/2016)



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