

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37581 of 2016

Periyasamy

... 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
Salem District.
 - 6 The Tashildar
Vazhapadi Salem District.
- ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the third respondent to consider and pass orders on the representation of the petitioner dated 29.2.2015 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.922/ 2015/A1 dated 26.2.2015 under 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.

For Petitioner : Mr.M.Vijayakumar

For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the third respondent to consider and pass orders on his representation dated 29.2.2015 for promoting him 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.922/ 2015/A1 dated 26.2.2015 under the G.O.(Ms).570 Revenue Ser 8(1) department dated 26.12.2014 to him within the time limit fixed by this Court.

3. It is the case of the petitioner that he was appointed as Village Assistant in the permanent vacancy by proceedings dated 30.1.1993 by the Estate Manager / Deputy Tahsildar and his post was regularized with effect from 1.6.1995. Now, he has completed more than 23 years. As per G.O. (Ms) No.570, Revenue (ser 8(1) Department dated 26.12.2014, the Government of Tamil Nadu decided and 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 ten years of service, having minimum educational qualification of S.S.L.C. / 10th Standard. Further, as per G.O.(Ms) No.254 Revenue (Ser 8(1) department dated 9.7.2015, guidelines were issued for appointment to the post of Village Administrative Officer by promotion from the post of Village Assistant. Subsequently, throughout Tamil Nadu, 20% of District level vacancies for the post of Village Administrative Officer by way of promotion from the post of Village Assistant were duly filled except Salem District. There are 78 vacancies in the post of Village Administrative Officer earmarked for the period 2013-2016. The petitioner is fully qualified for promotion to the post of Village Administrative Officer as per the said Gos. Accordingly, his name was proposed for the period 2013-14 from Salem District as per the 20% vacancies reserved for the Village Assistant by following communal rotation, by the sixth respondent in compliance with the direction of the third respondent dated 22.8.2014. But, the said proposal is still pending with the third respondent. Hence, the petitioner has come up with the present writ petition seeking a direction to the third respondent to consider and pass orders on his representation dated 29.2.2015 for promoting him 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.922/ 2015/A1 dated 26.2.2015 under the G.O.(Ms).570 Revenue Ser 8(1) department dated 26.12.2014.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Though the petitioner sought for a positive direction, instead of giving such a positive direction, I am of the opinion, it would be appropriate to direct the respondents to consider the case of the petitioner as per the proposal sent by the sixth respondent in Na.Ka.No.922/ 2015/A1 dated 26.2.2015 under the G.O.(Ms).570 Revenue Ser 8(1) department dated 26.12.2014.

6. Accordingly, without going into the merits of the claim made by the petitioner, the petitioner is directed to give a fresh representation to the third respondent along with a copy of this order, 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 seeking promotion to the post of Village Administrative officer from the post of Village Assistant and pass appropriate orders, on merits and in accordance with law and also as per the proposal sent by the sixth respondent in Na.Ka.No.922/ 2015/A1 dated 26.2.2015 under the G.O.(Ms).570 Revenue Ser 8(1) department dated 26.12.2014, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sbi

To

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

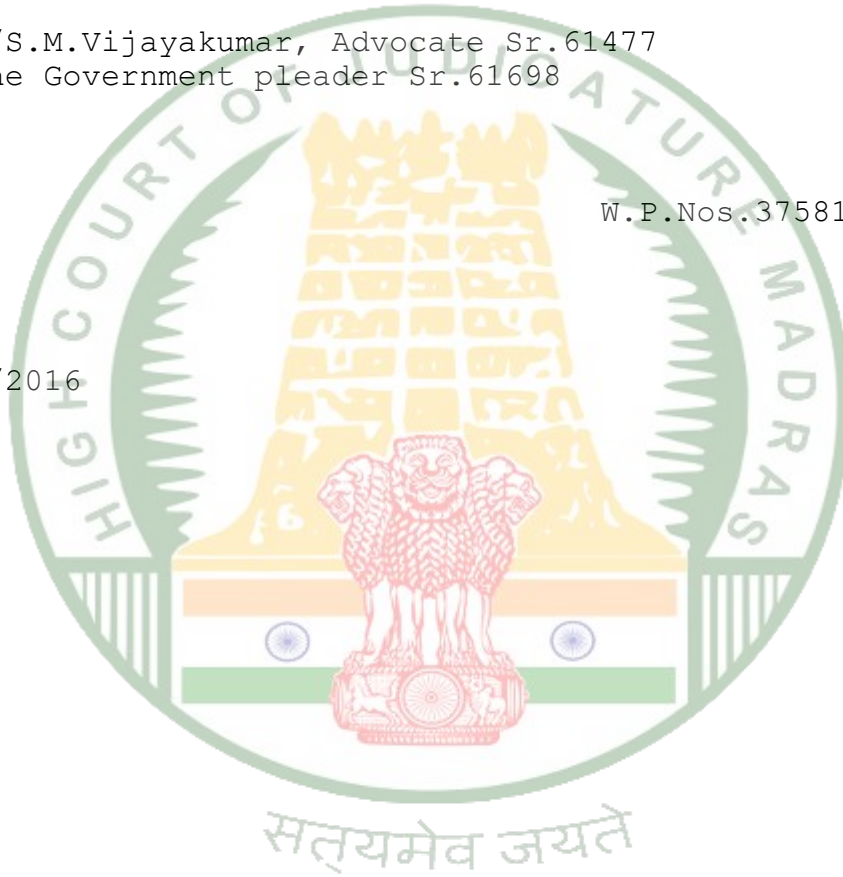
2 The Principal Secretary cum
Commissioner of Revenue Administration
State of Tamilnadu
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- 3 The District Collector
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Collectorate Salem.
- 5 The Revenue Divisional Officer
Salem District.
- 6 The Tashildar
Vazhapadi Salem District.

+lcc to M/S.M.Vijayakumar, Advocate Sr.61477
+lcc to the Government pleader Sr.61698

W.P.Nos.37581 of 2016

mv[co]
srg 10/11/2016



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