

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.40257 of 2016

K.Venkataraman

... Petitioner

vs.

1. Government of Tamil Nadu,
rep. by Secretary to Government,
Public (Special) Department,
Secretariat, Chennai - 9.
2. The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai - 9.
3. The Commissioner of Revenue Administration,
Chepauk, Chennai -5.
4. The District Collector,
Salem District,
Salem.

... Respondents

Prayer :- Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 1 and 2 to issue appropriate orders for inclusion of the petitioner's name in the lists of deputy collector and District Revenue Officers of the appropriate years in the appropriate places therein and to grant notional promotions as such with retrospective effect from the date of promotion of the petitioner immediate juniors with consequential monetary benefits, including revision of retirement and pensionary benefits.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.K.Dhananjayan,
Spl. G.P.

O R D E R

With the consent of both sides, the main writ petition itself is taken up for final disposal.

2. The writ petition has been filed seeking Mandamus directing respondents 1 and 2 to issue appropriate orders for inclusion of the petitioner's name in the lists of deputy collector and District Revenue Officers of the appropriate years in the appropriate places therein and to grant notional promotions as such with retrospective effect from the date of promotion of the petitioner immediate juniors with consequential monetary benefits, including revision of retirement and pensionary benefits.

3. The petitioner, who belongs to schedule caste, joined as Junior Assistant in the Revenue Department Unit, Salem, on 03.09.1964 and retired as Deputy Collector on 30.04.2000. Eventhough, the petitioner was eligible for promotion as deputy Tahsildar in the year 1974, the name of the petitioner and similarly qualified persons were not included in the list. While the petitioner and similarly placed persons were unsuccessfully pursuing the matter, the Division Bench of this court in W.P.No.37943 of 2003 dated 01.09.2006, issued directions to the Government to give notional promotion to them as Deputy Tahsildar by including their names in the panel for the year 1975. Thereupon, the Government issued G.O.Ms.No.193, Revenue dated 11.04.2007 directing the District Collector, Salem to include their names in the panel for promotion as Deputy Tahsildar for the year 1975.

4. Immediately, the petitioner preferred a representation dated 10.10.2008 to the Government and he also filed W.P.No.29953/2008 before this Court and by an order dated 14.11.2011, this Court granted liberty to the petitioner to submit a fresh representation to the Government. The government issued order in G.O.(2D) No.797, revenue (Ser.3(2) Department dated 24.12.2013 for inclusion of his name in the list of Deputy Tahsildars for the year 1975 for Salem District Revenue Unit. The District Collector, Salem issued consequential orders in Pro.Roc.No.47814/2013/A7 dated 26.03.2014 including his name in Sl.No.11A in the list of Deputy Tahsildar. Subsequently, after lapse of 3 years, Government issued orders in G.O.(2D) No.23 for inclusion of the petitioner's name in the panel for the year 1989 promotion as Tahsildar. Consequential order was issued by the District Collector, Salem in Pro. Roc. No. 30444/ 2014/A2 dated 21.06.2016 including his name at Sl.No.12(a) of the list of Tahsildars for the year 1989.

5. Eventhough the petitioner had become eligible and fully qualified for empanelment in the panel of Deputy Collectors and District Revenue officers on the basis of the above said orders and for notational promotion as Deputy Collector and then as District Revenue Officer with retrospective effect from the date of promotion of his immediate junior with consequential monetary benefits and revised pensionary benefits. No order has been issued in this regard by the respondents 1 and 2 even till date. Hence, the petitioner submitted a representation dated 16.08.2016 to the respondents 1 and 2 in this regard and the same is pending till date. Hence, the petitioner has come forward with the writ petition.

6. Heard the learned counsel for the petitioner and the learned Special Government Pleader, who takes notice for the respondent.

7. In view of the same, this court, without going into the merits of the claim of the petitioner, directs the respondents 1 and 2 to consider the representation of the petitioner dated 16.08.2016 and pass appropriate order on merits and in accordance with law within a period of six 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 claim projected by the petitioner and it is for the first respondent to consider the claim of the petitioner purely on merits and in accordance with law.

8. With the above direction, the present writ petition is disposed of. No costs.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

mrp

To

1. The Secretary to Government,
Government of Tamil Nadu,
Public (Special) Department,
Secretariat, Chennai - 9.

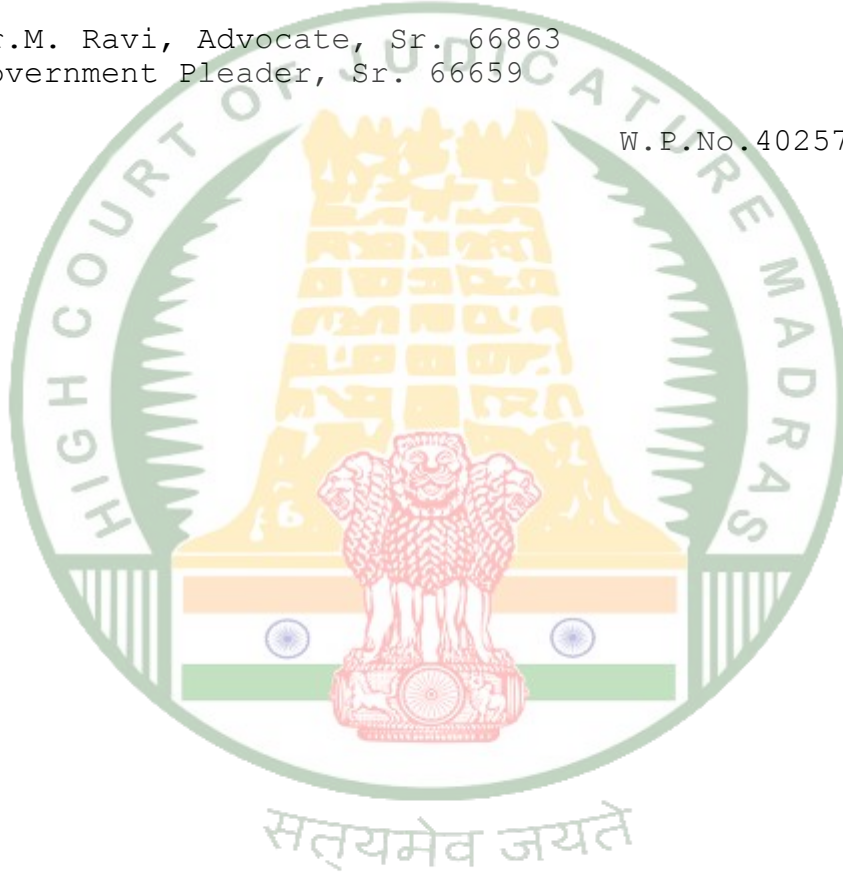
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2. The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai - 9.
3. The Commissioner of Revenue Administration,
Chepauk, Chennai -5.
4. The District Collector,
Salem District,
Salem.

1 cc to Mr.M. Ravi, Advocate, Sr. 66863
1 cc to Government Pleader, Sr. 66659

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