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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.06.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.11441 of 2016

and

WMP (MD) No.8753 of 2016

M.Pongudalingam

.. Petitioner

vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Revenue Department,
Fort St. George, Chennai - 09.

2.The Principal Secretary/Commissioner of Revenue
Administration,
Elizhagam, Chepauk,
Chennai -5.

3.The District Collector,
Then District, Theni.

.. Respondents

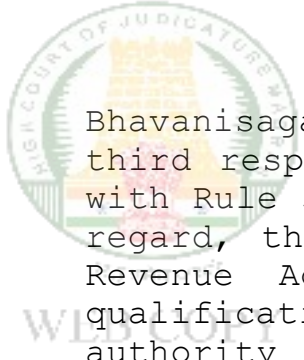
PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the first respondent to consider the petitioner's appeal, dated Nil April 2015 and to pass final orders in pursuant to the dictum laid down by this Court in W.P(MD)No.15180 of 2013 within a stipulated time.

For Petitioner :Mr.M.Saravanakumar

For Respondents :Mr.R.Anandaraj,
Government Advocate

ORDER

The petitioner Mr.M.Pongudalingam, who was selected and appointed as Junior Assistant through employment exchange in the year 2009, after facing the Special Test conducted, was allotted to Theni District Revenue Unit as Junior Assistant. He joined in service on 27.05.2009 in regular time scale of pay. Thereafter, the District Collector regularised his service vide proceedings No.19365/2009/A2, dated 09.06.2010. But, his grievance is that when he was working from 27.05.2009 and completed all the departmental tests in the year 2010, he was not relieved for



Bhavanisagar Training by the third respondent. Therefore, the third respondent ought to have fixed his seniority in accordance with Rule 35(a) of Tamil Nadu Subordinate Service Rules. In this regard, the petitioner has made an appeal to the Commissioner of Revenue Administration on the ground that acquiring service qualification depends on the posting orders by the concerned authority and at no point of time the petitioner declined to refuse to undergo the training. Hence, the petitioner's seniority fixed by the third respondent in the year 2013 instead of 2012 is wrong. The said appeal has not been answered. Therefore, he has come to this Court.

2. Mr.R.Anandaraj, learned Government Advocate, who took notice for the respondents sought for four weeks time to dispose of the petitioner's appeal/representation.

3. This Court considering the limited scope of the prayer made in the writ petition, without going into the merits of the case, directs the first respondent to dispose of the appeal filed by the petitioner, dated Nil April 2015, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

pm
To

- 1.The Secretary to Government,
State of Tamil Nadu, Revenue Department,
Fort St. George, Chennai - 09.
- 2.The Principal Secretary/Commissioner of Revenue
Administration, Elizhagam, Chepauk, Chennai -5.
- 3.The District Collector, Then District, Theni.

+1CC to Mr.M.Saravana Kumar, Advocate Sr.No.33271
+1CC to Spl.Government Pleader Sr.No.33388

GJM/SKS/RR/SAR-III-4.7.16-2p-6c

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