



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2016

C O R A M

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.14005 of 2016

A.P.Parthiban

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

.. 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 ie., the District Collector, Sivagangai District, Sivagangai to pass appropriate orders on the petitioner's representation, dated 22.06.2016 for inclusion of his name in the approved list of Assistants of the year 2012 within a prescribed time frame fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.M.Murugan
Government Advocate

ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the first respondent ie., the District Collector, Sivagangai District, Sivagangai to pass appropriate orders on the petitioner's representation, dated 22.06.2016 for inclusion of his name in the approved list of Assistants of the year 2012.

2. Heard the learned counsel for the petitioner.

3.The petitioner - A.P.Parthiban, who was recruited through TNPSC in the year 2009, was appointed as Typist in Sivagangai District Revenue Unit by memo No.4174/PSD-A/2009, dated 19.08.2009. The respondents also regularised his service from the date of joining namely 11.09.2009, by proceedings dated 08.07.2010, passed by the Collector. Subsequently, he was declared to have completed the probation period satisfactorily as per the proceeding No.D.Dis.A3/8416-12, dated 29.03.2012 of the PA(G) to the



Collector.

4.While so, the grievance of the petitioner is that he was fully qualified for inclusion in the list of Assistant in the year 2012, for the reason that his services were regularised, declaration of probation was also ordered and more than that he has also completed Revenue Tests Part I, II and III before the crucial date and he has also completed the Survey and Land Records Training in February, 2013 after the crucial date. If the petitioner has been deputed as Survey and Land Records in time and also posted as a Junior Assistant Training in time, the name of the petitioner could have been included in the approved list of Assistant in the year 2012 itself. Therefore, it is the bounden duty on the part of the respondents to send him to training and when the respondents have not properly and timely sent the petitioner to Survey and Land Records Training before the crucial date, the delay cannot be attributed against the petitioner. In similar circumstances, the respondents themselves passed an order including the eligible candidates in the promotion list. However, it is not done in the case of the petitioner. Hence, the petitioner has given his representation, dated 22.06.2016, but the same has not been considered so far. Therefore the learned counsel appearing for the petitioner, seeks for a direction to consider the representation of the petitioner within a specified period.

5.Mr.Murugan, learned Government Advocate, who took notice for the respondents, sought eight weeks time to consider the petitioner's representation.

6.Considering the limited prayer sought for in the Writ Petition, without going into the merits of the matter, the first respondent viz., the District Collector, Sivagangai District, Sivagangai is hereby directed to consider the representation of the petitioner, dated 22.06.2016 on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

ps

To

1.The District Collector,
<https://hcservices.ecourts.gov.in/hcservices/>
 Sivagangai District,
 Sivagangai.



2.The District Revenue Officer,
Sivagangai District,
Sivagangai.

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+1 cc to Mr. S.VISVALINGAM ,Advocate, Sr.No: 41845

+1cc to M/S Special Government Pleader, Sr No. 42211

jam/17.08.16/KBM/ 3P-5C

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