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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.02.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.4077 of 2016

and

W.M.P (MD) No.3656 of 2016

S.Bagyalakshmi

... Petitioner

Vs.

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

2.The Additional Chief Secretary cum
Commissioner, Revenue Administration,
Ezhilagam, Chepauk,
Chennai.

3.The District Collector,
Thoothukudi
Thoothukudi District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to include the petitioner name in the panel for promotion to the post of Deputy Collector by taking note of the date of joining of the Petitioner as Tahsildar on 18.04.2012 on which date the Petitioners juniors assumed office of Tahsildar in the light of the G.O.Ms.No.203 P & AR Department 30.10.2000 as her actual date of joining based on her representations dated 10.05.2012, 27.06.2014 and 18.06.2015.

For Petitioner : Mr.D.Srinivasaragavan

For Respondents : Mr.M.Murugan,
Government Advocate.

ORDER

The petitioner has come up with the above writ petition seeking for the issue of a writ of mandamus, to direct the respondents to include the petitioner's name in the panel for promotion to the post of Deputy Collector by taking note of the date of joining of the petitioner as Tahsildar on 18.04.2012 on which date, her juniors assumed office of Tahsildar in the light of the G.O.Ms.No.203, P & AR Department, dated 30.10.2000 as her actual date of joining based on her representations dated 10.05.2012, 27.06.2014 and 18.06.2015.

2.Heard the learned counsel for the petitioner. Mr.M.Murugan, learned Government Advocate takes notice for the respondents.

3.The grievance of the petitioner is that though she is entitled to be included in the panel of Deputy Tahsildars in 2007, she was not included in the panel of Deputy Tahsildars. On an appeal



preferred to the second respondent, she was included in the panel of the Deputy Tahsildar in 2007 and she had joined on 11.03.2010. However, the benefits namely, seniority and other monetary benefits were not given.

4.It is further submitted that when the panel for promotion to the post of Tahsildar for the year 2011 was prepared, the petitioner's name did not find place. Therefore, an appeal was preferred to the third respondent Collector. The third respondent had rejected the claim on the ground that the petitioner had not completed two years mandatory probationary period from the cadre of Deputy Tahsildar. Aggrieved by the said order, an appeal was preferred to the second respondent and the said appeal is said to be pending.

5.According to the petitioner, seniority and other monetary benefits were not given while including her in the panel of Deputy Tahsildars in 2007. She claims to be the direct recruitee under the Tamil Nadu Public Service Commission. In the meanwhile, it is stated that on 28.07.2015, a list of Deputy Collectors is sought to be drawn. It is further submitted that for the mistake committed by the authorities, she has been penalised. It is stated that when the appeal preferred by the petitioner to the second respondent dated 27.06.2014 is pending, subsequent reminders were also sent to dispose of the same on 21.05.2015 and 18.06.2015. Since no order has been passed, the petitioner has come up with the above writ petition.

6.Considering the above facts and circumstances and without going into the merits of the case, the writ petition is disposed of directing the second respondent to consider the representation of the petitioner dated 18.06.2015 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, W.M.P(MD) No.3656 of 2016 is closed.

Sd/
Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To

- 1.The Secretary to Government,State of Tamil Nadu,Revenue Department,
Fort St., George, Chennai.
 - 2.The Additional Chief Secretary cum Commissioner,
Revenue Administration, Ezhilagam, Chepauk,Chennai.
 - 3.The District Collector, Thoothukudi,Thoothukudi District.
- +1cc to Special Government Pleader in SR.No.11612
+1cc to M/S.D.Srinivasaragavan, Advocate in SR.No.11510

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and

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