



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2016

CORAM :

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

Writ Petition (MD) No.5861 of 2016

M.Saravanakumar

... Petitioner

Vs.

1.The Principal Secretary and
Commissioner of Revenue Administration,
Chepauk, Chennai 5

2.The District Collector,
Dindigul District,
Dindigul.

3.M.Muthusamy,
Zonal Deputy Tahsildar,
Zone II, Palani Taluk,
Palani, Dindigul District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent herein to dispose of the representation dated 19.02.2016 Within a stipulated time.

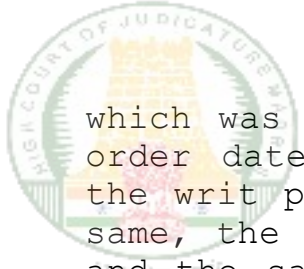
For Petitioner : Mr.M.Muthugeethayan
For Respondents : Mr.S.Chandrasekar,
Government Advocate.

ORDER

The petitioner has come up with the above writ petition seeking for the issue of a writ of mandamus, to direct the second respondent to dispose of the representation of the petitioner dated 19.02.2016.

2.Heard the learned counsel for the petitioner. Mr.S.Chandrasekar, learned Government Advocate takes notice for the respondents.

3.The petitioner is working as Special Tahsildar, Tamil Nadu Arasu Cable TV, Dindigul. According to the petitioner, the third respondent was appointed as Assistant in Karur District in the year 2001 by direct recruitment. It is submitted that the third respondent was transferred in the year 2007 to the Dindigul District Revenue Unit imposed with a condition to the effect that irrespective of the service rendered in Karur District Revenue Service, he has to serve as Assistant in the transferred district for five years and only then his case would be considered for promotion to the post of Deputy Tahsildar on priority basis



which was challenged in W.P(MD)No.956 of 2012. This Court by an order dated 24.02.2014 set aside the said condition and allowed the writ petition filed by the third respondent. Challenging the same, the Government has filed an appeal in W.A(MD)No.993 of 2014 and the same was disposed of on 10.09.2015 stating that there is no claim of seniority at the transferred place. Based on the said statement, the third respondent has given a representation on 12.10.2015 to the authorities to consider his seniority.

4.It is further submitted that the petitioner has also given a representation dated 21.01.2016 to the first respondent and to the second respondent on 19.02.2016 stating that the third respondent has been transferred from Karur District Revenue Unit to Dindigul District Revenue Unit on his own willingness. Therefore, he cannot claim seniority at the transferred place. It is seen that both the representations of the petitioner as well as the third respondent are pending.

5.Considering the above stated facts and circumstances and without expressing any view on the claim made by the petitioner, the writ petition is disposed of, directing the respondents to consider the representation of the petitioner dated 19.02.2016 and pass orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as the third respondent within a period of two months from the date of receipt of a copy of this order. No costs.

Sd/

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Secretary and
Commissioner of Revenue Administration,
Chepauk, Chennai 5

2.The District Collector,
Dindigul District, Dindigul.

+1cc to M/s.M.Muthugethayan, Advocate SR.No.16728

+1cc to Special Governed Pleader in Sr.No.16916

CN/AN-MP/5.4.2016/2P-5C

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