

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3120 of 2017
and
W.M.P.No.3042 of 2017

K.J.Jaikar Prabhu

... Petitioner

Vs

1. State of Tamil Nadu represented by its
Principal Secretary to Government,
Revenue Department,
Fort St.George,
Chennai- 600 009.
 2. The Commissioner for Revenue Administration,
Chepauk,
Chennai - 600 005.
 3. The District Collector,
Thiruvallur District,
Thiruvallur.
- ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the representation of the petitioner dated 05.04.2016 and 20.01.2017 by re-fixing the seniority of the petitioner in the post of Assistant with effect from 24.05.2013 when the petitioner's immediate junior was promoted to the post of assistant by taking into consideration of G.O.No.1079 dated 12.12.2014 and G.O.2D. No.9, dated 11.01.2016 and consequently direct the respondents to promote the petitioner to the post of deputy Tahsildar when the petitioner's juniors are promoted to the post of Deputy Tahsildar without insisting upon the experience for the post of Assistant/Revenue Inspector in the light of the judgments in W.P.No.16697 of 2007 reported in 2012 MLJ 634 as confirmed by the Division bench in W.P.No.391/2012 dated 28.10.2014 and W.P.No.34855 of 2015 dated 30.10.2015.

For Petitioner : Mrs.Dakshayani Reddy
for Mr.P.Nethaji

For Respondents: Mr.K.Dhananjayan,
Special Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2. The father of the petitioner, namely, K.Jaya Samuel was working in the Revenue Department and died in harness. The application submitted by the petitioner praying for appointment on compassionate ground has been considered and he was given job as Junior Assistant in the Revenue Department, Thiruvallur District, on 26.02.2007 and he performed his duties honestly and sincerely to the satisfaction of his superiors. The petitioner would further state that subsequently, he cleared the Departmental test as early as in the year 2011 and the next avenue of promotion is to the post of Assistant. The petitioner was not given promotion on account of the fact that his appointment was not regularised. As per G.O.Ms.No.1079 issued by the first respondent dated 12.12.2014, the petitioner service was regularised w.e.f. 26.02.2007 and thereafter, he was deputed for Bhavanisagar Training between 20.03.2015 and 07.05.2015 and granted promotion to the post of Assistant with effect from 31.03.2016. The petitioner would submit that the Government has also relaxed the Rule for the delay in sending the petitioner for Bhavanisagar training as it is not attributable. The petitioner submitted a representation to the higher ups praying for revision of seniority from the date, he was given promotion as Assistant specifically bringing to the knowledge, the delay caused in regularisation and the declaration of probation was due to the belated deputation for training. Since no orders have been passed, he came forward to file this writ petition.

3. Learned counsel for the petitioner would draw the attention of this Court to the orders of this Court made in W.P.No.12274 of 2005 (S.Devarajan v. The Director of Rural Development Panagal Building, Saidapet, Chennai-15 and another) dated 12.01.2010, W.P.No.34855 of 2015 (G.Sathiskumar vs. The Special Commissioner cum Secretary to Government, Rural Development and Panchayat Raj Department, Fort St.George, Chennai-9 and 2 others) dated 30.10.2015, W.P.No.310 of 2016 (G.Gobinath vs. The Special Commissioner/ Secretary to Government, Rural Development and Panchayat Raj Department, Fort St.George, Chennai-9 and 2 others) dated 06.01.2016 and would submit that in similar facts and circumstances, this Court has passed positive orders and the said orders have also been complied with. Learned counsel further submitted that the petitioner had also submitted detailed representations dated 05.04.2016 and 20.01.2017 and would submit that in the light of the above cited orders as well as the orders having been complied with, there cannot be any difficulty to restore the seniority of the petitioner and

confer him with all consequential benefits and prays for appropriate orders.

4. Heard the submission of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents.

5. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner, directs the 3rd respondent to take ***into** consideration the above cited orders as well as the compliance orders and dispose of the representations of the petitioner dated 05.04.2016 and 20.01.2017 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

Dated : 10.02.2017

***Corrected as per Order of
this Court dated 14.02.2017**

made in W.P.No.3120 of 2017

Sd/- Assistant Registrar(CS IV)

Dated : 15.02.2017

/true copy/

Sub Assistant Registrar

vsi

To

- | | |
|---|----------------------|
| 1. The Principal Secretary to Government,
Revenue Department,
Fort St.George, Chennai- 600 009. | To be Substituted to |
| 2. The Commissioner for Revenue
Administration,
Chepauk, Chennai - 600 005. | the Order already |
| 3. The District Collector,
Thiruvallur District,
Thiruvallur. | despatched on |
| | 10.02.2017 |

+1cc to Mr.P.Nethaji, Advocate, S.R.No.9646

W.P.No.3120 of 2017

gj(co)

ss(10/02/2017)

CA(15.02.2017)

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