

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.31913 of 2017

S.Krishnamurthy

..Petitioner

-vs-

1. The State of Tamil Nadu
rep.by its Principal Secretary to Government
P & AR Department
Secretariat, Fort St.George
Chennai 600 009
 2. The State of Tamil Nadu
rep.by its Principal Secretary to Government
Revenue and Disaster Management Department
Secretariat, Fort St.George
Chennai 600 009
 3. The Commissioner of Revenue Administration
Ezhilagam
Chennai 600 005
 4. The District Collector
Villupuram District
Villupuram
 5. The District Revenue Officer
Villupuram District
Villupuram
- ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 to 4 to pass orders for inclusion of name of the petitioner in the panel for promotion to the post of Deputy Tahsildar in Villupuram District by condoning the short of 8 days service in the post of Revenue Assistant to complete 5 years period of service for promotion to the post of Deputy Tahsildar and consequently direct the respondents to promote the petitioner to the post of Deputy Tahsildar on inclusion of his name in 2017 panel based on his seniority and to promote him to the post of Deputy Tahsildar on par with his junior with all consequential and other attendant benefits including arrears of salary.

For Petitioner :: Mr.G.Sankaran
For Respondents:: Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

The petitioner is serving as Revenue Assistant and his name has not been included in the promotional list for the post of Deputy Tahsildar, since he is running short of eight days to complete the five years of service as on the crucial date i.e., 15.9.2017.

2. Learned counsel for the petitioner submitted that after appointing the petitioner as Revenue Assistant in the revenue department through the Tamil Nadu Public Service Commission in the year 2009, he joined the post in Villupuram District on 14.3.2012, based on the order of appointment dated 1.3.2012. Subsequently, based on another examination conducted by the Tamil Nadu Public Service Commission in November, 2009, he was selected to the post of Assistant in the Registration Department and an appointment order was also issued to that effect on 27.12.2012. Thereafter, he was relieved from the post of Revenue Assistant, as per the proceedings dated 8.4.2013 issued by the District Collector, Villupuram, on condition that the petitioner is retaining lien in the parent department/Revenue Department from the date of relief for a period of one year on 8.4.2013. Based on his lien, as per Rule 9(B) of the General Rules, he has submitted a representation for getting re-appointment to the post of Revenue Assistant in the former service, namely, Revenue Department. On the basis of his representation, the Inspector General of Registration, Chennai issued an order on 8.7.2013 relieving the petitioner from the Registration Department to get himself appointed in the Revenue Department. Now the grievance of the petitioner is that when the petitioner was permitted to join the Revenue Department on 8.7.2013, he was issued with the order of posting only on 24.10.2013 and since the copy of the same was served on him only on 30.10.2013, immediately thereafter, he joined the post of Revenue Assistant in the Revenue Department on 1.11.2013. Therefore, there is no fault on the part of the petitioner. However, the fault lies only on the respondents for the reasons mentioned above. Hence, the representation made by the petitioner may be directed to be considered, he pleaded.

3. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice on behalf of the respondents.

4. When the petitioner was relieved by the Inspector General of Registration by an order dated 8.7.2013, accepting the said order, the Revenue Department has issued the posting order only

on 24.10.2013 and this was served on the petitioner only on 30.10.2013 and that the petitioner has joined the post of Revenue Assistant on 1.11.2013. Therefore, there is a delay of seven days. Yet again, from the date of order of relief passed by the Inspector General of Registration dated 8.7.2013 and till the order of posting dated 24.10.2013, there is a delay of three months. Hence, the submission that the shortage of eight days to complete the five years of service for inclusion in the promotional list of Deputy Tahsildar cannot be put against the petitioner, merits acceptance. In view of the above facts, the third respondent is hereby directed to consider the representation of the petitioner on merits and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. Consequently, W.M.P.No.35057 of 2017 is closed. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The Principal Secretary to Government
Personnel & Administrative Reforms Department
Fort St.George
Chennai 600 009
2. The Principal Secretary to Government
Revenue and Disaster Management Department
Fort St.George
Chennai 600 009
3. The Commissioner of Revenue Administration
Ezhilagam
Chennai 600 005
4. The District Collector
Villupuram District
Villupuram

5. The District Revenue Officer
Villupuram District
Villupuram

+1 CC to Govt. Pleader sr 88553.
+1 CC to Mr.G. Sankaran , Advocate sr 88575

W.P.No.31913 of 2017

SP(02/01/2018)



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