

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 31.01.2017
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.2179 of 2017

V.Ravishankar

... Petitioner

Vs

- 1 The District Collector
Erode District Erode
- 2 The District Revenue Officer
Erode District
- 3 The Principal Commissioner and
The Commissioner of Revenue Administration
Chepauk
Chennai-600 005. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the claim of the petitioner for inclusion of his name in the panel of Deputy Tahsildhar for the year 2013 published by the 1st respondent in his Ref.PDL No.4BII/ 2013/A3, dated 28.10.2013 based on the proposal sent by the 2nd respondent to the 3rd respondent in No.Na.Ko.988/ 2016/A3 dated 29.08.2016 and promote the petitioner as Tahsildhar at par with his junior with all consequential service and monetary benefits.

For Petitioner : Mr.M.Muthappan

For Respondents: Mr.R.A.S.Senthilvel
Addl. Govt. Pleader

ORDER

By consent, the writ petition is taken up for final disposal. Mr.R.A.S.Senthilvel, learned Additional Government Pleader, accepts notice on behalf of the respondents.

2 The petitioner was a directly recruited Assistant and was appointed to service on 01.09.2008 and he would claim that by virtue of the seniority and merit, he is entitled to be promoted as Deputy Tahsildar, by including his name in the panel for promotion for the year 2013 in respect of Erode District. A temporary panel fit for promotion to the post of Deputy Tahsildar for the year 2013 was prepared. However, the name of the petitioner was over looked, whereas the name of his junior was included. The petitioner came to understand that his name was over looked on the ground that he is facing a criminal case in crime No.5 of 2013 registered against him by All Women Police Station, Rasipuram for the commission of alleged offence punishable under Sections 294(b), 498(A) and 506 Part I IPC and Section 4 of Tamil Nadu Protection of Women Harassment Act, 1998, based on the complaint given by his wife. According to the petitioner, investigation of the case has culminated in a charge sheet being taken on file in C.C.No.176 of 2013 on the file of the learned Judicial Magistrate, Rasipuram. The trial Court, after full fledged trial, has acquitted him, vide Judgment dated 26.11.2015 and thereafter, no appeal/revision was filed challenging the order of acquittal.

3. The petitioner, on an earlier occasion, filed W.P.No.21104 of 2014 as well as W.P.No.526 of 2016, praying for quashment of the impugned order dated 19.03.2014 with a direction to consider his claim for promotion as Deputy Tahsildar by including his name in the panel of the year 2013 and promote him as Deputy Tahsildar and thereupon, both the said writ petitions were disposed of by a common order dated 19.01.2016 by directing the respondents 1 and 2 herein to dispose of his representation within a stipulated time.

4. The grievance expressed by the petitioner is that after acquittal in the criminal case, he was given promotion as Deputy Tahsildar, by including his name in the panel for the year 2016, however, on account of the fact that the criminal case ended in acquittal, he should have been given promotion with retrospective effect, by including his name in the panel for the year 2013 with all consequential benefits. In this regard, he has also submitted a representation dated 17.10.2016 to the respondents and though it was received and acknowledged, no orders have been passed and therefore, he came forward to file this writ petition.

5 Heard the learned counsel for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader appearing for the respondents.

***6. Though the Petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 3rd respondent to act on the proposal of the 1st respondent dated 29.08.2016 in Na.Ka.No.988/2016/A3 and after putting on notice to the persons concerned, pass orders on merits and in accordance with law, 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 as well as the persons concerned.**

7 The writ petition stands disposed of with the above direction. No costs.

-s/d-
Assistant Registrar

***Corrected as per order
dated 03/03/2017 in WP.No.2179/2017**

**-s/d-
Assistant Registrar(CCC)
dt:08/03/2017**

True Copy
Sub-Assistant Registrar

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To

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|---|---|--|
| 1 | The District Collector
Erode District Erode | To be Substituted the order
already despatched on
28/02/2017 |
| 2 | The District Revenue Officer,
Erode District | |
| 3 | The Principal Commissioner and
The Commissioner of Revenue Administration
Chepauk, Chennai-600 005. | |

+1 cc to the Government Pleader sr 6246
+1 cc to M/s.M.Muthappan Advocate sr ***13975**

W.P.No.2179 of 2017

ss(co)
aa14/02/2017
aa08/03/2017