



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE T. RAJA

W.P (MD) No.12447 of 2017

G.Ganesan

... Petitioner

vs.

1.The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

2.The Principal Secretary and Commissioner of
Revenue Administration,
Ezhilagam,
Chepauk, Chennai - 600 005.

3.The District Collector,
Ramanathapuram District,
Ramanathapuram.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Revenue Department, Chennai, to pass appropriate orders on the petitioner's representation dated 05.10.2016 regarding grant of exemption from the operation of Rule 8(a) of the Revenue Subordinate Service Rules and notional promotion as Tahsildar on par with his juniors and sending revised pension proposals on merits and in accordance with law within a specified time frame that may be fixed by this Court.

For Petitioner : Mr. S.Visvalingam

For Respondents : Mr.RajaKarthi

Additional Government pleader

ORDER

The petitioner having served as Zonal Deputy Tahsildar, Taluk Office, Kamudhi, was permitted to retire with effect from 31.01.2016 as per the proceedings No.D.Dis(A5)/66205/2015, dated 29.01.2016. Although his name was included in the approved list of Tahsildar of the year 2014 in the proceedings Roc.No.A1/36000/2014, dated 10.02.2015, passed by the District Collector, Ramanathapuram District, subsequently it was deleted on the ground that there was no order granting exemption from the operation of Rule 8(a) of the Special Rules for the Tamil Nadu Revenue Subordinate Service Rules passed by the Government as per the proposals sent by the District Collector, Ramanathapuram, in his Letter No.36000/2014, dated 20.03.2015.



2.The learned counsel for the petitioner would submit that the Principal Secretary and Commissioner of Revenue Administration, Chennai, in Letter No.Service 3(4)/15452/2015 dated 30.01.2016 has intimated the District Collector, Ramanathapuram, that the petitioner's name should be included after getting exemption of Rule 8(a) of the Special Rules for the Tamil Nadu Revenue Subordinate Service Rules and he may be given posting as Tahsildar temporarily. So saying, the Principal Secretary and Commissioner of Revenue Administration in the said letter dated 30.01.2016, has further stated that the petitioner may be granted temporary promotion under Rule 39(a)(1) of the Tamil Nadu and Subordinate Service Rules read with Rule 5(h) of the Revenue Subordinate Service Rules. Finally, after making communications between the District Collector, Ramanathapuram and the office of the Principal Secretary and Commissioner of Revenue Administration, Chennai, it was finally informed that the order of the Government in this regard is awaited. Hence, the petitioner has made a representation dated 05.10.2016 to the respondents seeking to grant exemption from the operation of Rule 8(a) of the Special Rules for the Tamil Nadu Revenue Subordinate Service Rules so as to include his name in the approved list of Tahsildar on par with his juniors. Since the said representation is not yet disposed of, this writ petition has been filed for a direction to the respondents to consider and pass orders on the said representation within a time frame.

3.Mr.R.Karthikeyan, learned Additional Government pleader takes notice for the respondents.

4.In the light of the proposal dated 20.03.2015 sent by the District Collector, Ramanathapuram, to the Additional Principal Secretary/Commissioner of Revenue Administration, Chennai, the 1st respondent/The Principal Secretary to Government is hereby directed to pass appropriate order on the petitioner's representation dated 05.10.2016 in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

/ True Copy /

Sub Assistant Registrar(C.S.)



To

1.The Principal Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

2.The Principal Secretary and Commissioner of
Revenue Administration,
Ezhilagam,
Chepauk, Chennai - 600 005.

3.The District Collector,
Ramanathapuram District,
Ramanathapuram.

+1cc to M/S.S.VISVALINGAM, Advocate SR.No.63532

+1cc to the Special Government Pleader, SR.No.63698

vsa/nbi

MAS/MR-KKR/SAR2:14.07.2017:3p-6c

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