



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)No.17473 of 2017

and

W.M.P (MD)No.14002 of 2017

E.Palanivel

... Petitioner

Vs.

1.The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.

2.The District Collector,
Trichy District.

3.The District Revenue Officer,
Trichy District.

4.N.Krishnakumar,
Tahsildar & Enquiry Officer,
Thottiam Taluk via
Thottiam,
Trichy District.

5.K.Murugan,
Deputy Tahsildar (Taluk Supply Officer),
Manachanallur Taluk Office,
Trichy District.

6.T.V.Sankaranarayanan,
Deputy Tahsildar (Taluk Supply Officer),
Thiruvarambur Taluk,
Trichy District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st and 2nd respondents to immediately promote the petitioner to the post of Deputy Tahsildar on par with his immediate juniors by placing the name of the petitioner over and above the name of the 5th and 6th respondents and further direct the 3rd respondent to pass final order in the 17(b) Charge memo issued by the 3rd respondent in his representation dated 24.08.2017.



For Petitioner : Mr.A.Thirumurthy
For Respondents : Mr.Raja Karthikeyan,
Additional Government Pleader
for R.1 to R.3

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ORDER

This Writ Petition has been filed seeking a Writ of Mandamus to direct the first and second respondents to promote the petitioner to the post of Deputy Tahsildar, on par with his immediate juniors, by placing his name over and above the fifth and sixth respondents and further to direct the third respondent to pass final order in the 17(b) Charge memo against the petitioner, by considering his representation dated 24.08.2017.

2. By consent, this writ petition is taken for final disposal, at the admission stage itself. Mr.Raja Karthikeyan, learned Additional Government Pleader takes notice for respondents 1 to 3.

3. The petitioner, who cleared TNPSC Group-II Exam, was appointed and was working as Revenue Assistant, since 2010. On 18.08.2015, the third respondent issued 17(b) charge memo against the petitioner, framing 9 chargers and directed the petitioner to submit his explanation thereon. In the meanwhile, a panel of Revenue Assistants fit for promotion to the next category i.e., Deputy Tahsildar for the year 2015 was prepared, wherein, the petitioner's name was not included due to the pendency of 17 (b) proceedings. Therefore the petitioner submitted a representation to the second respondent herein, seeking alteration of the charge from 17(b) to 17(a). As the same did not meet its fate, the petitioner submitted a detailed explanation to the 17(b) charges before the third respondent. Thereafter, the third respondent appointed the fourth respondent herein as Enquiry Officer, who in turn submitted his enquiry report on 29.02.2016 before the third respondent, which is said to be pending, without any action. In the meanwhile, the crucial date for framing the panel of Revenue Assistants for promotion to Deputy Tahsildar for the year 2016 also came and there also, the petitioner's name was not included, due to pendency of the said 17(b) charges, which resulted in promoting his Juniors as Deputy Tahsildars. As the petitioner had already lost his promotion for two consecutive years, due to the pendency of 17(b) charges, he submitted a representation before the third respondent on 24.08.2017, seeking to pass final orders on the charges, so as to get promoted, at least by this year. As the said representation is kept pending, without any action, the petitioner is before this Court.

<https://hcservices.ecourts.gov.in/hcservices/> It is clear that due to the pendency of 17(b) charge, the petitioner's name was not considered for promotion as Deputy Tahsildar. Despite repeated representations, his claim was not



considered and because of the pendency, his chances of getting promoted are ousted for the past two consecutive years and for this year, the crucial date for finalizing the list for promotion of eligible candidates for the year 2017 is 15.09.2017, i.e., today.

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5. After a detailed and elaborate argument, it is agreed by both the parties that it will serve the purpose, if the representation of the petitioner dated 24.08.2017 is disposed of by the respondents, before finalizing the list of eligible candidates for promotion.

6. Under such circumstances, this Court, directs the third respondent to consider the representation of the petitioner dated 24.08.2017 and pass appropriate orders thereon, on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of two weeks from the date of receipt of a copy of this order and thereafter, the respondents 1 to 3 are directed to finalise the list of eligible candidates for promotion to the post of Deputy Tahsildar.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.
 - 2.The District Collector, Trichy District.
 - 3.The District Revenue Officer, Trichy District.
 4. Tahsildar & Enquiry Officer, Thottiam Taluk via
Thottiam, Trichy District.
 5. Deputy Tahsildar (Taluk Supply Officer),
Manachanallur Taluk Office, Trichy District.
 6. Deputy Tahsildar (Taluk Supply Officer),
Thiruvarambur Taluk, Trichy District.
- +1CC to Mr.A.Thirumurthy, Advocate, SR.No.79004
+1CC to the Special Government Pleader SR.No. 79324

W.P. (MD) No.17473 of 2017

and

W.M.P (MD) No.14002 of 2017

15.09.2017