

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.4.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.1038 of 2018
and
C.M.P.No.8678 of 2018

V.Sankar

Appellant

Versus

- 1 The State of Tamil Nadu
Rep. by its Secretary to Government
Revenue Department Secretariat
Chennai-600 009.
- 2 The Additional Chief Secretary/
Commissioner of Revenue Administration
Chepauk Chennai-600 005.
- 3 The District Collector
Kancheepuram District Kancheepuram.
- 4 The District Revenue Officer,
Collectorate Kancheepuram District
Kancheepuram.
- 5 A.Parvathi
- 6 E.Pachiyammal
- 7 V.Vijayakumar
- 8 B.Jayanthi
- 9 C.Uma Maheshwari
- 10 G.Vadivukkarasi
- 11 A.Pooniyakotti
- 12 M.Mahalakshmi
- 13 D.Srinivasan
- 14 R.Deepalakshmi
- 15 N.Vidhya
- 16 V.James

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 7.2.2018 as modified on 9.3.2018 passed in W.P.No.2241 of 2018 on the file of this court.

W.P.No.2241 of 2018:

Petition presented to this Court to issue a Writ of Mandamus directing the respondents to draw the inter se seniority list of Assistants in conformity with the Annexure-IX Rule 2(a) read with clause 9 notified under Rule 38 (b) (ii) of the Tamil Nadu Ministerial Service Rules following the 2:1 ratio as provided in the Rule between the promotes and the direct recruits and then draw year wise panel as per the law laid down in 2009 (4) SCC 290 by arranging the candidates as per the ratio before drawing any panel for further promotion and refrain from promoting direct recruits more than the quota assigned in Rule 2(a) of Annexure -IX notified under Rule 38(b)(ii) of the Tamil Nadu Ministerial Service Rules.

For appellant : Ms.Dakshayani Reddy for
Mr.Adithya Reddy

For RR7, 8 & 13 : Mr.R.Singaravelan, Senior Counsel
for Mr.R.Jayaprakash

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.Singaravelan, learned Senior Counsel for respondents 7, 8 and 13.

2. The writ appeal is filed by a third party to the writ petition challenging the order passed by the learned Single Judge directing the District Collector Kancheepuram to complete the process of drawing the panel for the post of Deputy Tahsildar for the year 2017-2018 if not prepared already and complete the said exercise by giving sufficient time to the affected persons to give their objections and finalise the same by preparing a final seniority list in accordance with Annexure IX, Rule 2(a) read with clause 9 notified under Rule 38(b) (ii) of the Tamil Nadu Ministerial Service Rules within a period of four weeks from the date of receipt of a copy of the order.

3. The case of the appellant is that he was directly recruited for the post of Assistant in the Revenue Department by relaxation granted to him and some of his colleagues with respect to applicability of clause 2(a) of Annexure IX of the Tamil Nadu Ministerial Service Rules and therefore, the order passed by the learned Single Judge in the writ petition without the appellant, whose interest is being prejudiced, being impleaded as a party to the proceedings and being heard needs to be set aside.

4. Be that as it may, the operative portion of the order passed by the learned Single Judge directs the authority concerned to complete the said exercise of drawing the panel after giving sufficient time to the affected persons to give their objections. Therefore, it is needless to say that if the appellant is aggrieved by the process of drawing the panel, it is open to him to submit his objections to the authority concerned, within a period of two weeks from the date of receipt of a copy of this judgment, in which event, the authority concerned shall do the needful in accordance with law. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

ssk.

To:

- 1 The Secretary to Government of Tamil Nadu
Revenue Department Secretariat
Chennai-600 009.
- 2 The Additional Chief Secretary/
Commissioner of Revenue Administration
Chepauk Chennai-600 005.
- 3 The District Collector
Kancheepuram District Kancheepuram.
- 4 The District Revenue Officer,
Collectorate Kancheepuram District
Kancheepuram.

+1 CC to Mr.R. Jayaprakash, Advocate sr 32527.
+1 CC to Govt. Pleader sr 32719.

W.A.No.1038 of 2018

NM(CO)
SP(14/06/2018)