

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5279 of 2018

S.Kanagasundaram

.. Petitioner

-vs-

1. The District Collector
Collectorate
Nagapattinam District
2. The District Revenue Officer
Collector Office
Nagapattinam & District
3. The Revenue Divisional Officer
Revenue Divisional Office
Nagapattinam & District .. Respondents

Prayer : Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records from the respondent pertaining to the impugned Memo Na.Ka.No.24899/2016 A2 dated 29.01.2018 issued by the first respondent and quash the same and consequently to direct the respondent Nos.1 & 2 to demote the petitioner from the post of Revenue Inspector to the Village Administrative Officer.

For Petitioner :: Mr.G.Saravana Kumar

For Respondents :: Mr.R.S.Selvam
Government Advocate

ORDER

This writ petition has been filed challenging the impugned order dated 29.1.2018 passed by the District Collector, Nagapattinam refusing to accept the request of the petitioner for demotion to the post of Village Administrative Officer from the post of Revenue Inspector, on the ground that there is no provision to go back to the lower post, therefore, his request under Rule 9(B) stands rejected.

2. Learned counsel for the petitioner, assailing the impugned order, submitted that when the petitioner was serving as Village Administrative Officer from 7.1.2008, on completion of long number of years of service, was given promotion to the post of Revenue Inspector on 19.8.2016. After joining the said post, he has been doing the work sincerely. But his family circumstances compelled him not to continue in the post of Revenue Inspector, as it has been burdened with heavy load of work. In view thereof, he has decided to get demoted from the post of Revenue Inspector to the original post of Village Administrative Officer. Mentioning the said reason, he has also given a representation on 21.11.2016 to the District Collector, Nagapattinam to send him back by way of demotion to the post of Village Administrative Officer. But the said request has been rejected by the impugned order, which is running contrary to two of the orders enclosed in the typedset of papers, namely, one passed by the District Revenue Officer, Tirunelveli dated 25.8.2015 and another passed by the District Revenue Officer, Kancheepuram dated 12.1.2017.

3. A perusal of the aforementioned orders does not show the reason for acceding to the request of the officers therein seeking demotion to the lower post. But in the present case, the reason given by the District Collector, Nagapattinam that Section 47(1) and (2) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 failed to support the case of the petitioner for his demotion, is in order. Secondly, the representation given by the petitioner does not show any single reason for his demotion to the post of Village Administrative Officer, because nowhere he has pleaded with the health ground or administrative ground or family ground for his decision to go back to the post of Village Administrative Officer, which is only lower in rank. Thirdly, he has not specified whether he has relinquished his promotion for a particular period, namely, three years or more than three years. In that view of the matter, the first respondent-District Collector, Nagapattinam has rightly rejected the request of the petitioner. I also do not find any infirmity or flaw in the impugned order. Accordingly, the writ petition fails and it is dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ss

To

1. The District Collector
Collectorate
Nagapattinam District
2. The District Revenue Officer
Collector Office
Nagapattinam & District
3. The Revenue Divisional Officer
Revenue Divisional Office
Nagapattinam & District.

+1cc to Mr.G.Saravanakumar, Advocate, S.R.No.18586

+1cc to the Government Pleader, S.R.No.18427

W.P.No.5279 of 2018

SSV(CO)

RRK(22/03/2018)



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