

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Writ Appeal Nos.1437 and 1438 of 2018

And

C.M.P.No.11407 in W.A.No.1437 of 2018 and
C.M.P.Nos.13399 & 11408 of 2018 in W.A.No.1438 of 2018

1.K.J.J.Jaikar Prabhu
2.A.Ravi
3.A.J.Vijay Anand

..Appellants in both W.As

Vs.

1.The State of Tamilnadu,
Represented by its Principal Secretary to Government,
Revenue Department,
Fort St. George, Chennai-600 009.

2.The Commissioner for Revenue Administration,
Chepuak, Chennai-600 005.

3.The District Collector,
Thiruvallur District,
Thiruvallur.

.. Respondents in both W.As

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Prayer in W.A.No.1437 of 2018:- Writ Appeal has been filed under
Clause 15 of the Letters Patent against the order dated 05.04.2018 in
W.P.No.7905 of 2018 and allow the Writ Appeal.

Prayer in W.A.No.1438 of 2018:- Writ Appeal has been filed under Clause 15 of the Letters Patent against the order dated 05.04.2018 in W.P.No.7906 of 2018 and allow the Writ Appeal.

For Appellants

in both W.As : Mrs.Nalini Chidambaram,
Senior Counsel for
Mr.R.Arun Natarajan

For Respondents

in both W.As : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

COMMON JUDGMENT

(Judgement of the Court was delivered by **Huluvadi G.Ramesh.J**)

Heard Mrs.Nalini Chidambaram, learned Senior Counsel appearing for the appellants and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader appearing for the respondents.

2.These Writ Appeals have been filed by the writ petitioners challenging the order passed by the learned Single Judge in W.P.Nos.7905 & 7906 of 2018 dated 05.04.2018.

3.W.P.No.7905 of 2018 was filed by the writ petitioners for a direction to direct the respondents to include the names of the petitioners in the 2013

panel of Revenue Inspectors/Assistants by re-fixing their seniority in the post of Assistants/Senior Revenue Inspector and consequently direct 1st respondent to exercise the power under Section 48 of the Tamil Nadu Revenue Subordinate Service Rules and issue a Government order relaxing Clause 5(3) of Annexure V of Rule 34 of the Tamil Nadu Ministerial Service Rules and Annexure III of Rule 7(a) of Tamil Nadu Revenue Subordinate Service Rules as it was done under identical circumstances in the case of P.Raghavan by issuing G.O.2D No.295 dated 16-06-2017 and include the names of the Petitioners in the 2017 panel of Deputy Tahsildars.

4.The very same writ petitioners have filed a separate writ petition in W.P.No.7906 of 2018 seeking a prayer to direct the respondents to promote the petitioners as Deputy Tahsildars by following the orders of this Hon'ble Court in W.P.No.12274 of 2005 (S.Devarajan Vs. The Director of Rural Development) dated 12.01.2010, W.P.No.34855 of 2014 (Satishkumar Vs. The Special Commissioner cum Secretary to Government, Rural Development and Panchayat Department) dated 30.10.2015 and W.P.No.310 of 2016 (G.Gopinath Vs. The Special Commissioner cum Secretary to Government, Rural Development and Panchayat Raj Department) dated 06.01.2016 passed in the case of other persons under identical circumstances.

5.By order dated 05.04.2018, the learned Single Judge of this Court in the above Writ Petitions has stated that the facts and circumstances of the case lead to denial of promotion to the writ petitioners are to be considered in the light of the legal principles discussed in the said order and thereby disposed of these writ petitions.

6.Today, the learned Senior Counsel appearing for the appellants would submit that though the order in the writ petitions have been passed on 05.04.2018, so far, no order has been passed by the respondents. Hence, she would request the Court to issue a direction to the respondents to consider the case of the appellants.

7.The learned Special Government Pleader appearing for the respondents would submit that the representations of the appellants dated 12.12.2017 and 11.12.2017 have been forwarded by the third respondent to the first respondent with the recommendation to obtain necessary relaxation to provide promotions to the appellants herein on par with Selvi M.Vijayarani and the same are now pending. He would further submit that the first respondent may be directed by this Court to pass appropriate orders.

8.We have considered the rival submissions.

9. Without going into the merits of the case and the grounds raised in these writ appeals, the Writ Appeals are disposed of with a direction to the first respondent to finalize the issue regarding relaxation to provide promotions to the appellants herein on par with Selvi M. Vijayarani, in accordance with law and taking into consideration the observations made by the learned Single Judge of this Court in W.P.Nos.7905 & 7906 of 2018 dated 05.04.2018, at the earliest. No costs. Consequently, connected miscellaneous petitions are closed.

(H.G.R.,J.) (M.K.K.S.J.)

10.10.2018

Index: Yes/No
Speaking order/non speaking order

jbm

To

1. The State of Tamilnadu,
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2. The Commissioner for Revenue Administration,
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3. The District Collector,
Thiruvallur District,
Thiruvallur.

HULUVADI G.RAMESH, J.
and
K.KALYANASUNDARAM.J

jbm



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