

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.33994 of 2017

K.Murugan

.. Petitioner

-vs-

1. The State of Tamil Nadu
rep.by its Principal Secretary to Government
P & AR Department
Secretariat, Fort St.George
Chennai 600 009
2. The State of Tamil Nadu
rep.by its Principal Secretary to Government
Revenue and Disaster Management Department
Secretariat, Fort St.George
Chennai 600 009
3. The Commissioner of Revenue Administration
Ezhilagam
Chennai 600 005
4. The District Collector
Villupuram District
Villupuram
5. The District Revenue Officer
Villupuram District
Villupuram

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider the representation submitted by the petitioner dated 20.11.2017 for inclusion of name of the petitioner in the panel for promotion to the post of Deputy Tahsildar in Villupuram District in relaxing the period short of 164 days service in the post of Revenue Assistant to complete 5 years period of service for promotion to the post of Deputy Tahsildar and consequently direct the respondents to promote the petitioner to the post of Deputy Tahsildar on inclusion of his name in 2017 panel based on his seniority and to promote him to the post of Deputy Tahsildar on par with his junior with all consequential and other attendant benefits including arrears of salary.

For Petitioner :: Mr.S.Nedunchezhiyan

For Respondents:: Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to consider the representation submitted by the petitioner dated 20.11.2017 for inclusion of his name in the panel for promotion to the post of Deputy Tahsildar in Villupuram District in relaxing the period short of 164 days service in the post of Revenue Assistant to complete 5 years period of service for promotion to the post of Deputy Tahsildar and consequently, direct the respondents to promote the petitioner to the post of Deputy Tahsildar on inclusion of his name in 2017 panel based on his seniority and to promote him to the post of Deputy Tahsildar on par with his junior with all consequential and other attendant benefits including arrears of salary.

2. Learned Counsel for the petitioner submitted that the petitioner was initially appointed as Revenue Assistant through the Tamil Nadu Public Service Commission (TNPSC) CSSE-1 (Group-II) Examination conducted in the year 2009. On his selection to the said post, he joined as a Revenue Assistant in the Villupuram District on 14.3.2012. The said post is now redesignated as Senior Revenue Inspector. The learned Counsel further submitted that the petitioner has also participated in another TNPSC CSSE-1 Examination conducted during November, 2009 and he was selected for the post of Senior Inspector of Co-operative Societies. Based on the order of appointment to the post of Senior Inspector of Co-operative Societies, he was relieved from the post of Revenue Assistant as per the proceedings of the 5th respondent, namely, District Revenue Officer, Villupuram District, Villupuram, dated 17.12.2012 on condition that he was retaining his lien in the parent department for the period of one year from the date of relieving order i.e. on 17.12.2012 and he joined in the post of Senior Inspector of Co-operative Societies on 18.12.2012.

3. The learned Counsel for the petitioner also submitted that as per Rule 9(B) of Tamil Nadu State and Subordinate Service Rules, whenever a member of service selected by direct recruitment for appointment in any other service, he shall hold the service rights in the former service for a period of one year from the date of relief from former service. Therefore, based on the said Rule, he made a representation in the month of July, 2013 to rejoin the parent department. Accepting his request, the Registrar of Co-operative Societies issued Proceedings dated 03.12.2013 thereby permitting him to rejoin his parent department. The 5th respondents issued consequential

Proceedings dated 24.10.2013 allowing him to rejoin the service in the Revenue Department by allotting him to the post of Revenue Assistant in Special Tahsildar Office, Land Acquisition, NH 45A, Villupuram. In this back ground, since the petitioner was already relieved by the Registrar of Co-operative Societies by order dated 17.12.2012, the 5th respondent only took long time to pass an order dated 24.10.2013 thereby allowing the petitioner to rejoin the service in Revenue Department, as a result, there is a delay of 164 days for the petitioner to rejoin duty as Revenue Assistant in Revenue Department. Therefore, there is no fault on the part of the petitioner. However, the fault lies only on the respondents for the reasons mentioned above. Hence, the representation made by the petitioner dated 20.11.2017 may be directed to be considered, he pleaded.

4. It is brought to the notice of this Court that in a similar circumstance by an order passed in W.P.No.31913/2017 dated 11.12.2017 (S.Krishnamurthy vs. The State of Tamil Nadu rep. by its Principal Secretary to Government, P&AR Department, Secretariat, Fort St. George, Chennai-9 and 4 others), this Court also considered the delay caused by the department and issued a direction to the 3rd respondent therein to consider the request of the petitioner in accordance with law.

5. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader who takes notice on behalf of the respondents, sought for eight weeks time to consider the case of the petitioner.

6. In view of the above facts, the third respondent is hereby directed to consider the representation of the petitioner dated 20.11.2017 on merits and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government
Personnel & Administrative Reforms Department
Fort St.George
Chennai 600 009

2. The Principal Secretary to Government
Revenue and Disaster Management Department
Fort St.George
Chennai 600 009

3. The Commissioner of Revenue Administration
Ezhilagam
Chennai 600 005

4. The District Collector
Villupuram District
Villupuram

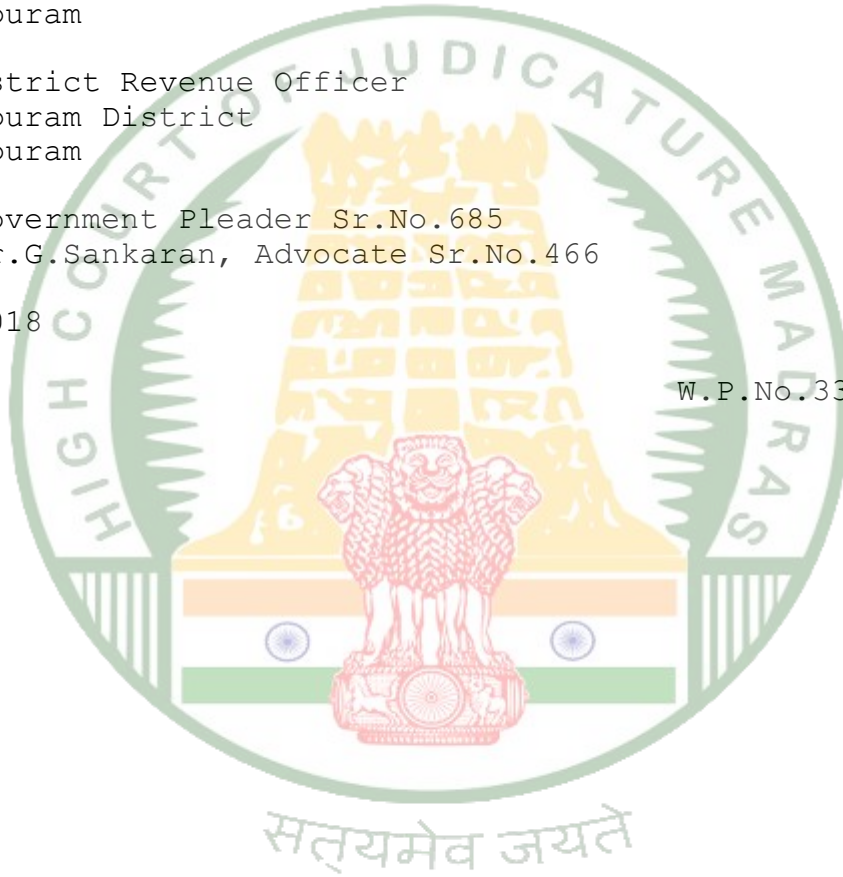
5. The District Revenue Officer
Villupuram District
Villupuram

+1cc to Government Pleader Sr.No.685

+2cc to Mr.G.Sankaran, Advocate Sr.No.466

sm:25.1.2018

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