

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 8.6.2018

CORAM

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

W.A.No.866 of 2018

S.Kanagasundaram

Appellant/Petitioner

Versus

- 1 The District Collector
Collectorate Nagapattinam District
- 2 The District Revenue Officer
Collector Office Nagapattinam and District
- 3 The Revenue Divisional Officer
Revenue Divisional Office
Nagapattinam and District

Respondents/Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 9.3.2018 passed in W.P.No.5279 of 2018 on the file of this court.

W.P.No.5279 of 2018:

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 dt 29.1.2018 issued by the 1st respondent and quash the same and consequently to direct the respondents No.1 and 2 to demote the petitioner from the post of Revenue Inspector to the Village Administrative Officer.

For appellant : Mr.P.Vijendran
For respondent : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

JUDGMENT

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

Heard the learned counsel appearing for the appellant and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, who takes notice on behalf of respondents.

2. This intra court appeal is filed by the petitioner being aggrieved by the order passed by the learned Single Judge.

3. It appears that the petitioner, who was serving as Village Administrative Officer from 7.1.2008, was promoted as Revenue Inspector on 19.8.2016, however, subsequently, he opted for demotion to the post of the Village Administrative Officer on the ground of his family circumstances, by giving a representation dated 21.11.2016 and since it was rejected, he had come up with the writ petition contending that such rejection is contrary to the precedent orders he had furnished in the typed set of papers in the writ petition.

4. In para 3 of the order, the learned Single Judge has observed as under:-

"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. ..."

3. It appears that the appellant had not expressed his unwillingness at the time of his promotion from the post of Village Administrative Officer to the post of Revenue Inspector, but, subsequently, he wants to relinquish and get retained in the post of Village Administrative Officer for his family

circumstances, Be that as it may, now, the learned counsel appearing for the appellant has produced a copy of the proceedings issued by the District Revenue Officer, Nagapattinam dated 17.4.2018 which reveals that the subsequently representation submitted by the appellant on 17.4.2018 was considered and thereby, he was ordered to be demoted.

4. In view of the above, there cannot be any impediment in posting the appellant as Village Administrative Officer in any place of his choice. The writ appeal is ordered accordingly in modification of the order passed by the learned Single Judge. No costs.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

ssk.

To:

- 1 The District Collector
Collectorate Nagapattinam District
- 2 The District Revenue Officer
Collector Office Nagapattinam and District
- 3 The Revenue Divisional Officer
Revenue Divisional Office
Nagapattinam and District

+1 CC to Mr.P. Vijendran, Advocate sr 36228.

+1 CC to Govt. Pleader sr 36046.

W.A.No.866 of 2018

VGII (CO)
SP (29/06/2018)

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