

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.02.2018

CORAM

THE HONOURABLE MR. JUSTICE T. RAJA

WP.No.2795/2018 & WMP.No.3448/2018

1.J.Shrichitra
2.V.Vasuki
3.N.Rajkumar
4.D.Swaminathan
5.C.Senthamil Chelvan
6.E.Arulsamy
7.N.Sekar
8.R.Ravindranath
9.R.Ramasamy

...

Petitioners

Versus

1.The Secretary to Government
Commercial Taxes & Registration Department
Fort St George, Chennai.

2.The Inspector General of Registration
Santhome High Road, Chennai.

...

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to revise and refix the seniority of the writ petitioners in the grade of Sub Registrar Grade I, District Registrar and Assistant Inspector General of Registration in the light of the principles laid down by the Hon'ble Supreme Court in Madalaimuthu's case reported in 2006 [6] SCC 558 and as a follow up of the proceedings dated 06.12.2013 of the respondent and to consequently direct the respondents to make further promotion to the grade of Deputy Inspector General of Registration and above on basis of such revised seniority and to refrain the respondents from promoting anyone other than direct recruits of the petitioners batch to the post of Deputy Inspector General of Registration.

For Petitioners : MR.V.Vijay Shankar

For Respondents : Mr.V.Kathirvelu, Spl.GP

ORDER

This writ petition has been filed seeking a mandamus, without showing the cause of action whatsoever, to revise and refix the seniority of the petitioners in the grade of Sub Registrar Grade I, District Registrar and Assistant Inspector General of Registration in the light of the principles laid down by the Hon'ble Supreme Court in Madalaimuthu's case reported in 2006 [6] SCC 558 and as a follow up of the proceedings dated 06.12.2013 of the 2nd respondent with a consequential direction to the respondents to make further promotion to the post of Deputy Inspector General of Registration.

2 The learned counsel for the petitioner would submit that the petitioners appeared for the examination conducted by the Tamil Nadu Public Service Commission and were selected and appointed as Sub Registrar Grade-II during September 1995 by way of direct recruitment. Their period of probations were also declared and subsequently, they got promotion as Sub Registrar Grade-I and further promoted as Assistant Inspector General of Registration and DIG in the year 2010. The next avenue of promotion is to the post of Additional Inspector General/Deputy Inspector General of Registration. It is the further submission of the learned counsel for the petitioner that some of the promotees who were appointed under Rule 10[a][i] of the Tamil Nadu State and Subordinate Service Rules, have got the benefit of regularisation only on 12.09.1996 ; but however they were placed above the petitioners.

3 The learned counsel for the petitioners is not able to show or substantiate the above contention that the petitioners who were directly recruited through TNPSC and joined duty during September 1995, were placed below the temporary appointees and the other officers who were appointed in the post of Sub-Registrar Grade-II prior to 1994 ; but subsequently got the benefit of regularisation on 12.09.1996, in the Seniority List. Since the issue that temporary promotees will count their services only from the date of regularisation came to be settled by the Hon'ble Apex Court in Madalaimuthu and Another Vs. State of Tamil Nadu reported in 2006 [6] SCC 558, the petitioners cannot come to this Court to apply the above ratio with

w Q retrospective operations. Firstly, the petitioners were appointed as Sub Registrar Grade I after the appointment of their rival groups. Secondly, the petitioners had not questioned the order of regularisation passed in favour of the rival claimants. Thirdly, the petitioners have not substantiated their case that they were appointed during September 1995 and were placed before their juniors, viz., the candidates who were appointed as Sub-Registrar Grade-II by way

of 10[a][i] appointment prior to the appointment of the petitioners and got the benefit of regularisation on 12.09.1996, by filing any documents along with the writ petition ; and fourthly, the contention made by the petitioners that the issue has been answered by the Hon'ble Apex Court in Madalaimuthu and Another Vs. State of Tamil Nadu reported in 2006 [6] SCC 558, deserves consideration, is far from acceptance, when twelve years had gone by, from the date of Judgment of Madalaimuthu's case, for, petitioners have approached this Court belatedly. In any event, the aforesaid ratio laid down by the Apex Court, cannot be retrospectively applied to the case on hand.

5 Hence, for all these reasons stated above, this Court finds no merit whatsoever in the writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

AP

To

1.The Secretary to Government
Commercial Taxes & Registration Department
Fort St George, Chennai.

2.The Inspector General of Registration
Santhome High Road, Chennai.

+1cc to Mr.V.Vijay Shankar, Advocate SR.No.10511
+1cc to Government Pleader SR.No.10959

SSI (CO)
GN(07/03/2018)

WP.No.2795/2018

WEB COPY