

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.871 of 2016

V.Desureddy

..Appellant

Vs.

1. State of Tamil Nadu,
Rep. by the Additional Chief Secretary and
Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.
2. The District Collector,
Tiruvannamalai District,
Tiruvannamalai - 606 604.
3. The Public Relations Officer/
The Personnel Assistant (General)
to the District Collector,
Tiruvannamalai District,
Tiruvannamalai - 606 604. Respondents

Prayer: Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order dated 12.04.2016 in W.P.No.13588 of 2016.

W.P.No.13588 of 2016:

calling the records of the 2nd respondent pertaining to his order made in letter No. A1/39853/2012 dt 13.1.2016 and the order of 3rd respondent made in letter No.A1/12609/2013 dt 2.5.2013 and quash the same consequent to direct the respondents to advance the date of promotion of the petitioner to the cadre of Deputy Tahsildar at par with his juniors of the year 2000 batch cases in accordance with the instructions issued in G.O.Ms.No.203 Personnel and Administrative Reforms (S) Department dt 30.10.2000 and letter dt 24.8.2001 and consequential service benefits and thereby to revise and re fix the service benefits of the petitioner including pension with all attendant benefits including monitory benefits.

For Appellant : Mr.R.Malaichamy

For Respondents: Ms.Srijayanthi, Special Govt. Pleader

JUDGMENT

[Judgment of the Court was made by P.VELMURUGAN, J.]

This writ appeal has been filed against the order dated 12.04.2016 in W.P.No.13588 of 2016.

2. It is to be stated that the appellant who is a differently abled person was recruited through Tamil Nadu Public Service Commission as Typist in the year 1982. Subsequently, the appellant was promoted to the post of Assistant in the year 1991, as Deputy Tahsildar in the year 2004 and as Tahsildar in the year 2008. Finally he has retired from service on 30.06.2010.

2.1. While the appellant was in service as Assistant in the year 2000, he was issued with 17(b) charge memo dated 11.11.2000 for not handing over some documents and for not taking action on certain documents within time. Subsequently, the appellant was let off with punishment of warning by order dated 04.12.2004 since the charges were not held proved fully. The appellant was promoted as Deputy Tahsildar in the year 2004, whereas he is fully eligible for promotion to the post of Deputy Tahsildar in the year 2000 itself. The appellant is also entitled for promotion to the post of Deputy Tahsildar on par with his juniors in accordance with the instructions issued in G.O.Ms.No.203, Personal and Administrative Reforms (S) Department dated 03.10.2000 and letter dated 24.08.2001 respectively. Hence the appellant made a representation in this regard to the second respondent and it was rejected vide order in letter No.A1/39853/2012 dated 13.01.2016, on the ground that there was inordinate delay in making the representation.

3. Aggrieved against the order dated 13.01.2016, the appellant filed writ petition before this Court in W.P.No.13588 of 2016.

4. After hearing the arguments advanced on either side, the writ court dismissed the writ petition by order dated 12.04.2016.

5. Feeling aggrieved by the order dated 12.04.2016, the appellant has come forward with the present writ appeal.

6. We have heard the learned counsel appearing on either side and perused the available materials.

7. It is not in dispute that the appellant was promoted to the post of Deputy Tahsildar in the year 2004 and while he was employed as Assistant, a charge memo was issued on him and later on he was given a warning vide order dated 04.12.2004, on the ground that the charges were not held proved fully .

8. On a perusal of the records, it is clear that the panel list for the post of Deputy Tahsildar for the year 2000 was published on 02.08.2002. The appellant sent his representation dated 05.12.2012 after lapse of more than ten years and that too nearly two years after his retirement. He had not even made any representation while he was in service. The appellant ought to have submitted his objections/representations within the prescribed time limit as stated in the panel list itself i.e. one month from the date of publication of the panel list. Furthermore at the time of preparing the panel list, the charges levelled against the appellant were pending. Hence, his name was not included in the panel list. The Enquiry Officer sent his report only on 20.09.2002. Hence, the contention of the appellant that he is also entitled for promotion to the post of Deputy Tahsildar on par with his juniors is not acceptable one. The appellant has not made out any valid reason to interfere with the order of the learned Single Judge dated 12.04.2016 in W.P.No.13588 of 2016.

9. In the result, the writ appeal stands dismissed. No costs.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

cgi/tar

To

1. The Additional Chief Secretary and
Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.

2. The District Collector,
Tiruvannamalai District,
Tiruvannamalai - 606 604.

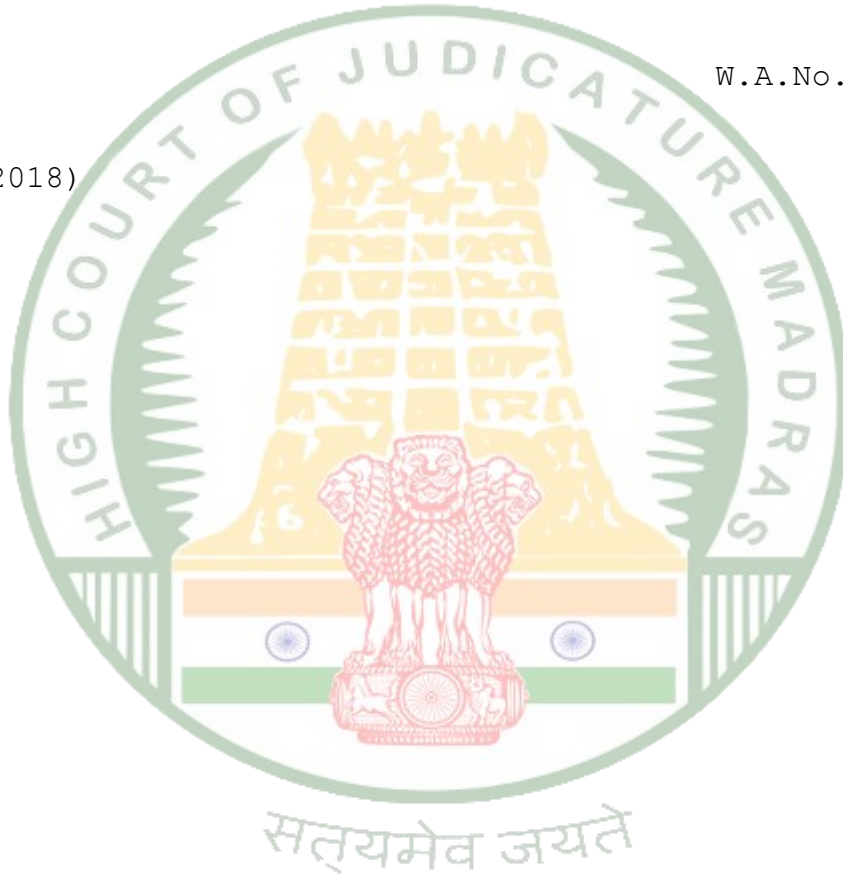
3. The Public Relations Officer/
The Personnel Assistant (General)
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Tiruvannamalai - 606 604.

+1 CC to Govt. Pleader sr 17138.

+1 CC to Mr.R. Malaichamy, Advocate sr 16634

W.A.No.871 of 2016

SG(CO)
SP(14/06/2018)



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