

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2018

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.23071 of 2006

V.Subathra

...Petitioner

-Vs-

1. The Commissioner of the Revenue Administration,
Chepauk,
Chennai 600 005.

2.The District Collector,
Namakkal District,
Namakkal.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent relating to proceedings in Roc.No.9899/2006/A2, dated 27.04.2006 and quash the same in so far as it relates to the petitioner herein and issue consequential directions to the respondents to include the name of the petitioner in the panel for 2005 for promotion as Deputy Tahsildar in the appropriate place therein and to promote her as such with retrospective effect from the date of promotion of her immediate junior with all consequential benefits.

For Petitioner : Mr.M.Ravi
For Respondents : Mr.K.Ravikumar, AGP

ORDER

Petitioner has filed the present writ petition challenging the order of the second respondent deferring her promotion on the ground that, she had suffered with the punishment of stoppage of increment for three months without cumulative effect.

2. The case of the petitioner is that, she joined as a typist in the year 1988 and subsequently, she was promoted to Assistant in the year 1995. She became qualified for inclusion of her name in the panel for the post of Deputy Tahsildar in the year 2004. While so, the second respondent issued a temporary panel of Deputy Tahsildars in his proceeding in Roc.No.9899/A2/2006, wherein the petitioner's name was not included apart from other 14 Assistants. When the petitioner enquired about the same, the second respondent issued the impugned proceeding dated 27.04.2006 stating that the petitioner was awarded with the above punishment. It is the further case of the petitioner that though the vacancy arose for the post of Deputy Tahsildar, the second respondent had not prepared the panel in the year 2004 and

had prepared the same in the year 2005 and hence, her promotion was denied, which is irrational.

3. Mr.M.Ravi, learned counsel appearing for the petitioner would submit that the petitioner had been suffered with the punishment of stoppage of increment for three months without cumulative effect in the year 2004 itself and the same had also been over, even though her name had not been included in the panel for promotion and hence, without even going into the merits of the case, the petitioner may be permitted to make a representation for inclusion of her name for future promotion.

4. Mr.K.Ravikumar, learned Additional Government Pleader appearing for the respondents would submit that the petitioner may submit a representation to the authorities concerned for inclusion of her name in the panel and the same would be considered.

5. Having regard to the facts and circumstances of the case, and in view of the limited prayer sought for by the learned counsel for the petitioner, this Court is inclined to pass the following order:

M.DHANDAPANI, J.

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The petitioner is permitted to make a fresh representation to the second respondent for inclusion of her name in the panel for promotion, within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the second respondent shall consider the same and pass appropriate orders, by affording due opportunity to the petitioner to put forth her grievance, within a period of twelve weeks thereafter.

This writ petition is disposed of accordingly. No costs.

Index: Yes/No
Internet: Yes/No
smi

14.06.2018

To,

1. The Commissioner of the Revenue Administration,
Chepauk, Chennai 600 005.
2. The District Collector,
Namakkal District, Namakkal.

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