

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.06.2018
CORAM
THE HONOURABLE MR. JUSTICE M.DHANDAPANI
W.P.No.23855 of 2006

R.Mayamanoharan

...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 (1) Notification PDL.No.28/2005/A2, dated 22.02.2006 and 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

O R D E R

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

2. The case of the petitioner is that, he joined as Assistant in the year 1993 and he became qualified for inclusion of his 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 Tahsildar 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 reason for non-inclusion 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, his 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 his 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 his 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:

The petitioner is permitted to make a fresh representation to the second respondent for inclusion of his 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.

Sd/-
Deputy Registrar
//True copy//

Sub Assistant Registrar

To,

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

2.The District Collector,
Namakkal District, Namakkal.

+lcc to Government Pleader SR.NO.42276

sm:21.8.2018

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