

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 29039 of 2018

and

W.M.P.Nos. 33963 & 33969 & 33970 of 2018

1. S.Dakshinamoorthy
S/o of R.Subramanian
Revenue Inspector
AraniFirka, Arani Taluk,
Thiruvannamalai District - 632302.

2. B.Saravanan
S/o. P.Balaraman
Revenue Inspector
Mullipet Firka,
Arani Taluk
Thiruvannamalai District - 632302.

3. P. Devi
W/o. E.Manikandan
Revenue Inspector
S.V.Nagaram Firka
Arani Taluk
Thiruvannamalai District - 632302.

4. V.Sriranjani
W/o A.Murugan
Revenue Inspector
Modaiyur Firka
Polur Taluk
Thiruvannamalai District - 606 904

5. N.Thirunavukkarasu
S/o Natarajan
Revenue Inspector
Thanipadi Firka
Thandarampattu Taluk,
Thiruvannamalai District - 606 708.

6. V.Bhuvaneswari
W/o Prabhakaran
Revenue Inspector
Kadaladi Firka
Kalasapakkam Taluk
Thiruvannamalai District- 606 751.

7. S.Priya
W/o M.K.Kumar
Revenue Inspector
Devikapuram Firka
Chetpet Taluk
Thiruvannamalai District - 606902

8. J.Deivanayaki
W/o. K.Elumalai
Revenue Inspector
Mandakulathur Firka
Polur Taluk
Thiruvannamalai District - 606904

9. K.Alagupandeeswari
W/o Manikandan
Revenue Inspector
Pudupalyam Firka
Chengam Taluk
Thiruvannamalai District - 606705

10. M.Susheela
W/o Ramesh
Revenue Inspector
Naidumangalam Firka
Thiruvannamalai Taluk
Thiruvannamalai District - 606802

11. K.Arul Kumar
Revenue Inspector
Sandavasal Firka. Polur Taluk,
Thiruvannamalai Distrcit - 606905

12. V.Keerthiraj
S/o Vishwanathan
Dhusi Firka, Vembakkam Taluk
Thiruvannamalai District - 604410

...Petitioners

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

2. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai - 606 005.

3. The District Collector,
Thiruvannamalai District
Thiruvannamalai - 606 604

4. The District Revenue Officer,
Collectorate,
Thiruvannamalai District,
Thiruvannamalai - 606 604.

5. P.Malathi
Senior Revenue Inspector
Collectorate,
Thiruvannamalai - 606604

6. P.Manavalan
Senior Revenue Inspector
Thandarampattu Taluk Office
Thiruvannamalai - 606603

7. M.Krishnamurthy
Senior Revenue Inspector
Land Acquisition
Green Highways Project (Eightways)
Chetpet Taluk
Thiruvannamalai - 606801

8. K.Manikandan
Senior Revenue Inspector
Stamp Duty
Thiruvannamalai Taluk
Thiruvannamalai - 606604

9. Shamshad Begum
Senior Revenue Inspector
Collectorate,
Thiruvannamalai - 606604.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Mandamus, directing the respondents 1-4 to promote the petitioners to the post of Deputy Tahsildars for the panel year 2018 without insisting on the requirement of completion of two years training as Firka Revenue Inspector, by relaxing the appropriate Rules if necessary, before promotion of Petitioner's juniors, in light of the orders passed by this Court in W.P.No. 16697/2007 reported in 2012 (1) MLJ 634 as confirmed by the Hon'ble Division Bench in W.A.No. 391/2012.

For Petitioners: Ms.Dakshayani Reddy
for M/s.Adithya Reddy

For Respondents: Mrs.A.Srijayanthi
Additional Government Pleader.

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents 1-4 to promote the petitioners to the post of Deputy Tahsildars for the panel year 2018 without insisting on the requirement of completion of two years training as Firka Revenue Inspector, by relaxing the appropriate Rules if necessary, before promotion of Petitioner's juniors, in light of the orders passed by this Court in W.P.No. 16697/2007 reported in 2012 (1) MLJ 634 as confirmed by the Hon'ble Division Bench in W.A.No. 391/2012.

2. The case of the petitioners is that the petitioners are all direct-recruits in the cadre of Assistants in the Revenue Department in Thiruvannamalai District, having successfully passed TNPSC exam conducted on 30.07.2011. The selection was conducted district-wise pursuant to two TNPSC advertisements bearing nos. 258 & 265 dated 30.12.2010 and 08.02.2011 respectively. The recruitment was for filling up vacancies for the years 2009-10 and 2010-11. The total number of vacancies in Thiruvannamalai District for which recruitment was made by TNPSC through G.O.Ms.No. 166 Revenue (Ser-9(2)) Department dated 05.01.2010 and G.O.Ms.No. 698 Revenue (Ser9(2)) Department dated 29.12.2010 was 41. The petitioners were given appointment orders dated 17.12.2012. They have joined duty in different dates.

3. Whiles, the respondents 5-7 were promoted as Assistants from the cadre of Junior Assistant in 2014 vide proceedings of the 4th respondent dated 17.06.2014 in Ref.No. A2/581/2014. Similarly, respondents 8 & 9 were directly recruited along with the petitioners as Assistants but they were the petitioners

juniors in terms of TNPSC selection list. The Respondent No.8 was placed as serial No.51 in the inter-se seniority list dated 01.12.2015 in Na.Ka.No. A2/42233/2014 issued by the 4th respondent. Respondent No. 9 is serial No.43 in the same inter-seniority list. However petitioners are all appointees of the year 2012, hence senior to respondents 5-7 who were promoted only in 2014. However, the petitioners were not given the opportunity to work as Firka Revenue Inspector by the respondents in accordance with their seniority which a pre-requisite for further promotion. Therefore, the petitioners could not complete the service qualification (Firka RI training) because the department favored the private respondents who were much junior to the petitioner. Hence, the present writ petition is filed.

4. The learned Additional Government Pleader appearing for the respondents would further submit that the judgment dated 30.06.2011 was issued in W.P.No. 15334 of 2010, which reads as follows;

" 3. The petitioners in all these cases are originally appointed as Steno-Typist through TNPSC selection list at different Years. They claim seniority in the cadre of Assistant based on the combined inter-se-seniority list in the cadre of Junior Assistant/Typist/Steno Typist as per Rule 35(a) of the Tamil Nadu State and Subordinate Service Rules. Similarly placed persons filed W.P.No. 14282, 14287 of 2008 and 11467 of 2009 claiming identical relief and this Court by order dated 07.12.2009 after considering the clarification issued by the Deputy Secretary to Government, Personnel and Administrative Reforms (B) Department has passed the following order;

" 8. Insofar as the ratio with regard to the Junior Assistant/Typist/Steno-Typist is concerned, the same will be applicable as per the orders of the Court as set out above. However, with regard to the claim of the petitioners for treating them on par with that of the Junior Assistant for the purpose of promotional benefits based on the combined seniority in the entry level, which is Group-IV is concerned, since the matter is pending before the Government for consideration, it will be appropriate to direct the Government and the Heads of Department to pass appropriate orders based on the clarification issued on 22.08.2003 and such exercise will appropriately decide the claim of the petitioners.

9. Hence, the respondents are directed to pass necessary orders in the light of the clarification issued on 22.08.2003, as stated in the counter affidavit. Such exercise shall be completed on or before the end of February 2010. All the three writ petitions are ordered as above. No costs."

4. It is also brought to the attention of this Court that the Government accepted the above said order and issued G.O.Ms.No. 356, dated 07.06.2011 implementing the order of this Court.

5. Learned Special Government Pleader submits that the petitioner if falls in the same cadre, will be entitled for the same benefit, in terms of the order of this Court and the Government Orders issued in the case of similarly placed persons.

6. The petitioners claim to be in the same cadre as that of the petitioners in the earlier batch of writ petitions. Hence, the same benefits will ensure to them in terms of the Government orders passed in respect of similarly placed Government employees. In view of the above, the petition is allowed on the same terms and conditions, as per the order of this Court in W.P.Nos. 14282, 14287 of 2008 and 11467 of 2009 dated 07.12.2009. No costs. Consequently, connected miscellaneous petitions are closed."

5. So, in view of the above decision (W.P.No. 15344 of 2010, dated 30.06.2011), this Court directs the petitioners to send a copy of the representation along with this order copy to the respondents enabling them to pass appropriate orders in accordance with law.

6. Accordingly, the present writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Secretariat,
Chennai - 600 009.

2. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai - 606 005.

3. The District Collector,
Thiruvannamalai District
Thiruvannamalai - 606 604.

4. The District Revenue Officer,
Collectorate,
Thiruvannamalai District,
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Senior Revenue Inspector
Collectorate,
Thiruvannamalai - 606604.

+1cc to Mr.Adithya Reddy, Advocate Sr.76902
+1cc to the Government Pleader Sr.77388

W.P.No. 29039 of 2018

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srg 26/12/2019