

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2018

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

W.P.No.31153 of 2018

V.Ravishankar

...Petitioner

Versus

1.The Secretary to Government,
Revenue Department,
Fort St.George, Chennai - 9.

2.The Principal Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai - 5.

3.The District Collector,
Erode District,Erode.

...Respondents

Prayer :Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the first respondent to pass orders on the proposal sent by the second respondent in his Letter No.Ser 3(3)/11589/2016 dated 03.05.17, to relax the Sub-para 5 under Para 8 of the Annexure IX to Rule 38(b)(ii) of the Tamil Nadu Ministerial Service Rules in favour of the petitioner, in order to include his name in the Panel of the Deputy Tahsildar for the year 2013 of Erode District published by the third respondent in his PPL.No.4BII/2013/A3 dated 28.10.2013 and consequently revise the seniority of the petitioner in the cadre of Deputy Tahsildar notionally and further direct the third respondent to consider the claim of the petitioner as Tahsildar and promote his as Tahsildar at par with his junior with all consequential service and monetary benefits.

For Petitioner : Mr.K.Venkalamani,
Senior Counsel for Mr.M.Muthappan

For Respondents: Mr.A.N.Thambidurai,
Additional Government Pleader.

ORDER

The petitioner has filed this writ petition seeking a Writ of Mandamus, to direct the respondents to consider the petitioner's representations dated 25.02.2016, 14.03.2016 and 17.10.2016 to relax the Sub-para 5 under Para 8 of the Annexure IX to Rule 38(b)(ii) of the Tamil Nadu Ministerial Service Rules in favour of the petitioner, in order to include his name in the Panel of the Deputy Tahsildar for the year 2013 and request to promote him as Tahsildar on par with his junior with all consequential service and monetary benefits.

2. The petitioner entered into the Government service by direct recruitment of TNPSC in the year 2006 and joined the service on 01.09.2008. It is stated by the petitioner that he was implicated in a Criminal case preferred by his wife under the Tamil Nadu Protection of Women Harassment Act, 1998 before the Judicial Magistrate Court, Rasipuram in C.C.No.176 of 2013. Based on the criminal case pending, he was placed under suspension and thereafter the suspension order was revoked, after acquittal in the above criminal case. Hence, the petitioner sent representations on various dates to consider his promotion and to relax the Sub-para 5 under Para 8 of the Annexure IX to Rule 38(b)(ii) of the Tamil Nadu Ministerial Service Rules in favour of the petitioner, in order to include his name in the Panel of the Deputy Tahsildar for the year 2013, with all consequential service and monetary benefits. Therefore, the present writ petition is filed.

3. The learned counsel for the petitioner would submit that the second respondent sent a proposal to the first respondent to approve the petitioner's name in the panel of Deputy Tahsildhar on 03.05.2017, but no action has been taken, therefore, the petitioner sent representations on several dates, which have not been considered. Hence, this petition.

4. Heard the learned counsel on either side and perused the materials placed on record.

5. In view of the limited relief sought for, this Court is of the view that it is not necessary to dwell into the merits of the issue, but it would be suffice to direct the respondents to consider the representation submitted by the petitioner on 25.02.2016, 14.03.2016 and 17.10.2016 and pass orders on the same within a particular time frame.

6.In the above circumstances, this writ petition is disposed of directing the respondents to consider the representation of the petitioner dated 25.02.2016, 14.03.2016 and 17.10.2016, in the light of order passed by this Court in WP.No.2179 of 2017, dated 31.01.2017 and the second respondent's proposal letter dated 03.05.2017 and pass orders thereon, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

klt/ogy

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Revenue Department,
Fort St.George, Chennai - 9.
- 2.The Principal Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai - 5.
- 3.The District Collector,
Erode District,Erode.

+1cc to M/s.M.Muthappan, Advocate, S.R.No.83937
+1cc to the Government Pleader, S.R.No.83727

W.P.No.31153 of 2018

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kak(28/12/2018)

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