



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
and
THE HONOURABLE MRS.JUSTICE **R.THARANI**

W.A(MD)No.1064 of 2015
and
M.P(MD)No.2 of 2015

The District Collector,
Dindigul District, Dindigul. .. Appellant/ Respondent

Vs.

T.Vijayalakshmi .. Respondent/ Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order, dated 28.02.2014, made in W.P(MD)No.20634 of 2013.

Prayer in WP(MD). 20634/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent District Collector, Dindigul relating to memo ROC.No.26335/2013/A1 dated 30.09.2013 and quash the same and consequently direct the respondent to include the name of the petitioner in the approved list of Deputy Tahsildars of Dindigul District of the year 2013 at the appropriate place according to her feeder category seniority within a specified time frame.

For Appellant : Mr.D.Muruganandam,
Additional Government Pleader.

For Respondent : Mr.S.Visvalingam

J U D G M E N T

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.D.Muruganandam, learned Additional Government Pleader appearing for the appellant as well as Mr.S.Visvalingam, learned counsel appearing for the respondent.

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2.The respondent filed the writ petition challenging the



order dated 30.09.2013, passed by the appellant and to direct the appellant to include his name in the approved list of Deputy Tahsildars of Dindigul District, for the year 2013. The reason for bypassing the respondent's name, was on account of the crucial date falling within the check period as the respondent was imposed with the punishment of stoppage of increment without cumulative effect, for a period of six months. The Writ Court followed the decision of the Full Bench in the case of **Deputy Inspector General of Police, Thanjavur Range v. V.Rani** reported in (2011)3 CTC 129 and allowed the writ petition.

3.The learned Additional Government Pleader appearing for the appellant contended that the said decision was rendered, more particularly, on the ground that a statutory rule cannot be overwritten by an executive instruction and as of now, the Government has amended the Act, namely, Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

4.As rightly pointed out by the learned counsel appearing for the respondent/writ petitioner, the amendment is perspective and as on the date when the Writ Court decided the respondent's case, i.e., in the year 2014, the decision of the Hon'ble Full Bench held the field. Therefore, there is no error in the order passed by the Writ Court and accordingly, the writ appeal fails and it is dismissed, confirming the order, dated 28.02.2014, made in W.P(MD)No.20634 of 2013. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

The District Collector,
Dindigul District, Dindigul.

+ 1 cc TO Mr.S.Visvalingam , Advocate in SR No. 54667
+ 1 cc TO The Special Government Pleader in SR No. 54805

smn

AE/JC/SAR2/23.03.2018/2P/4C

JUDGMENT MADE IN
W.A(MD)No.1064 of 2015
and
M.P(MD)No.2 of 2015
12.03.2018