BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 13.03.2018

DELIVERED ON : 04.06.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).Nos.20934 of 2015, 11839 of 2017, 13547 of 2017 and 1146 of 2018 and
M.P.(MD).Nos.2 & 3 of 2015 and
W.M.P.(MD)Nos.5479 & 8069 of 2016, 9111 & 9112 of 2017, 10598 & 10599 of 2017 & 1224 & 1225 of 2018

W.P.(MD)No.20934 of 2015

1. K.Sankar,
   Firka Revenue Inspector,
   Cumbum Firka, Uthamapalayam Taluk,
   Theni District.

2. V.Ponnusamy,
   Firka Revenue Inspector,
   Rasingapuram Firka,
   Bodinayakanur Taluk, Theni District.

3. A.Abdul Rahman,
   S/o.Abdul Hakeem,
   Firka Revenue Inspector,
   Bodinayakanur Firka, Bodinayakanur Taluk,
   Theni District. ... Petitioners

Vs.

1. The State of Tamil Nadu,
   Rep. by its Principal Secretary,
   Revenue Department,
   Secretariat, Chennai.

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

3. The District Collector,
   Theni District, Theni.

4. The District Revenue Officer,
   O/o. the Collectorate,
   Theni, Theni District.

5. K.Chitradevi,
   Firka Revenue Inspector,
   Devadanapatti Firka, Periyakulam Taluk,
   Theni District.

6. K.Ramaraj,
   Firka Revenue Inspector,
   Thevaram Firka, Uthamapalayam Taluk,
   Theni District.

7. B.Ganeshkumar,
   Firka Revenue Inspector,
   Bodinayakanur Taluk, Theni District.

8. V.Valarmathi,
   Firka Revenue Inspector,
   Kodangipatti Firka, Bodinayakanur Taluk,
   Theni District.

9. P.Mohan Muniyandi,
   Firka Revenue Inspector,
   Markayankottai Firka,
   Uthamapalayam Taluk, Theni District.

10. D.Balamurugan,
   Firka Revenue Inspector,
   Myladumparai Firka,
   Andipatti Taluk, Theni District.

11. N.Magalakshmi,
   Firka Revenue Inspector,
   Rajadhani Firka, Andipatti Taluk,
   Theni District.

12. K.Kavitha,
   Firka Revenue Inspector,
   Kandamanur Firka, Andipatti Taluk,
   Theni District.

13. C.Kumaran,
   Firka Revenue Inspector,
   Uthamapalayam Firka,
   Uthamapalayam Taluk, Theni District.

14. M.Pandi,
   Firka Revenue Inspector,
   Thenkarai Firka, Periyakulam Taluk,
   Theni District.

15. S.Muthukumar, Firka Revenue Inspector,
   Andipatti Firka, Andipatti Taluk,
   Theni District.

16. M.Kumaravel,
    Firka Revenue Inspector,
    Erasakanayakanur Firka,
    Uthamapalayam Taluk,
    Theni District.

17. C.M.Vinothini,
    Firka Revenue Inspector,
    Rasingapuram Firka,
    Bodinayakanur Taluk, Theni District.

18. N.Sowdappan,
    Firka Revenue Inspector,
    Theni Firka, Theni Taluk,
    Theni District.

19. R.Kannan,
    Firka Revenue Inspector,
    Cumbum Firka, Uthamapalayam Taluk,
    Theni District.

20. K.Raja,
    Firka Revenue Inspector,
    Chinnamanur Firka, Uthamapalayam Taluk,
    Theni District.

21. S.Rajaram, Assistant,
    Collector Office,
    Theni, Theni District.

22. M.Karthikairaja,
    Assistant,
    Taluk Office, Theni,
    Theni District.

23. M.Athisivan, Assistant,
    Collector Office, Theni,
    Theni District.

24. S.K.Senthilkumar, Assistant,
    Collector Office, Theni,
    Theni District.

25. S.Paramasivam,
    S/o.S.Samayanan,
    Ward No.9, Near Veterinary Hospital,
    P.Renganathapuram, Kombai,
    Uthamapalayam(Taluk),
    Theni District 625 522.

26. S.Kasinathan,
S/o.Sivanandi,
Perumal Thevan Patti, Kamuthi (Taluk),
Ramnad District.
(R-25 is impleaded vide order dated 15.07.2016
in W.M.P.(MD)No.8068 of 2016)
(R-26 is impleaded vide order dated 19.10.2016
in W.M.P.(MD)No.13815 of 2016) ... Respondents

Prayer in W.P.(MD)No.20934 of 2015: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned seniority list published by the third respondent in his proceedings in Na.Ka.No.A2/3488880/2013, dated 31.07.2015 and quash the same as illegal in so far as fixing the seniority of respondents 5 to 24 herein in the year 2011-2012 is concerned and consequentially to direct the respondents to draw the inter-se seniority list of Revenue Assistants(allotted to Theni Revenue District) directly recruited through T.N.P.S.C., for the year 2009, 2011 and 2011-2012 and 2012-2013 and the Revenue Assistants promoted for the year 2011, 2012 and 2013 on the basis of the date of their appointment/joining in the cadre of Revenue Assistants by placing respondents 5 to 24 in the seniority of the year 2012 below the petitioners in the light of Clause 9 of the Annexure IX r/w 38(b)(ii) of Tamil Nadu Ministerial Service Rules.

W.P.(MD)No.11839 of 2017

L.Raja ... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Revenue Department,
Secretariat, Chennai.

2. The Additional Chief Secretary/Commissioner
of Revenue Administration,
Disaster Management and Mitigation Department,
Chepauk, Chennai – 5.

3. The District Collector,
Pudukkottai, Pudukkottai District.

4. The District Revenue Officer,
O/o. the Collectorate,
Pudukkottai, Pudukkottai District.

5. P.Thanraj,
Senior Revenue Inspector,
Collectorate Office, Pudukkottai District.

6. P.Rajadurai,
Senior Revenue Inspector,
Collectorate Office, Pudukkottai District.

7. P.Suseela,
Senior Revenue Inspector,
Thirumayam Taluk Office,
Pudukkottai District.

8. M.Balagopalan,
Senior Revenue Inspector,
Collectorate Office,
Pudukkottai District.

9. M.Balakrishnan,
Senior Revenue Inspector,
Karambakudi Taluk, Pudukkottai District.

10. R.Gnanasekar,
Senior Revenue Inspector,
Collectorate Office, Pudukkottai District.

11. A.Thirupathi Venkatachalam,
Senior Revenue Inspector,
Aranthangi Taluk, Pudukkottai District.

12. S.Palaniyappan,
Senior Revenue Inspector,
Collectorate Office, Pudukkottai District.

13. S.Senthilkumar,
Senior Revenue Inspector,
Collectorate Office, Pudukkottai District.

14. M.Vijayalakshmi,
Senior Revenue Inspector,
Divisional Excise Office,
Pudukkottai District.

15. M.Subramaniyan,
Senior Revenue Inspector,
Viralimalai Taluk Office,
Pudukkottai District.

16. A.Lakshmanan,
Senior Revenue Inspector,
Sub-Collector Office,
Pudukkottai, Pudukkottai District.

17. C.Mani,
Senior Revenue Inspector,
Collector Office, Pudukkottai District. ... Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for records relating to the impunged order passed by the second respondent in his proceedings in Procgs.No.Ser IV(2)/16026/2017, dated 19.06.2017 and quash the same as illegal.

W.P.(MD)No.13547 of 2017

1. A. Senthilkumar,
S/o.Arjunan,
Senior Revenue Inspector,
Gandarvakottai Taluk Office,
Gandarvakottai, Pudukkottai District.

2. A.Palanisamy,
S/o.Avudai,
Senior Revenue Inspector,
Collectorate, Pudukkottai.

3. K.Sasireka,
W/o.Kesavan,
Senior Revenue Inspector,
Collectorate, Pudukkottai.

4. S.Senthilkumar,
S/o.Srirangam,
Senior Revenue Inspector,
Viralimalai Taluk Office,
Viralimalai.

5. C.Selvameenal,
D/o.Chokkalingam,
Senior Revenue Inspector,
Collectorate, Pudukkottai.

6. A.Tamilarasi,
D/o.Athimoolam,
Senior Revenue Inspector,
Divisional Excise Office,
Pudukkottai.

7. Henri Louise,
S/o.Bilarendran,
Senior Revenue Inspector,
Manamelkudi Taluk Office,
Manamelkudi.

8. P.M.Selvaraj,
S/o.Muthusamy,
Senior Revenue Inspector,
Gandarvakottai Taluk Office,
Gandarvakottai.

9. V.Sivajirajan,
   S/o.Veeraiah,
   Senior Revenue Inspector(Regugee),
   Thirumayam Taluk Office,
   Thirumayam.

10. S.Jeyachitra,
   D/o.Selvaraj,
   Senior Revenue Inspector,
   Collectorate,
   Pudukkottai.

11. R.Tamilarasi,
   W/o.Ramesh,
   Senior Revenue Inspector,
   Collectorate, Pudukkottai.

12. N.Murugesan,
   S/o.Nadesan,
   Senior Revenue Inspector,
   SIPCOT Unit-II,
   Gandarvakottai.

13. S.Sumithra,
   W/o.Saminathan,
   Gandarvakottai Taluk Office,
   Gandarvakottai. ... Petitioners

Vs.

1. The Government of Tamil Nadu,
   Rep. by its Principal Secretary,
   Revenue Department, Secretariat,
   Chennai.

2. The Additional Chief Secretary/
   Commissioner of Revenue Administration,
   Disaster Management and Mitigation Department,
   Chepauk, Chennai – 5.

3. The District Collector,
   Pudukkottai,
   Pudukkottai District.

4. The District Revenue Officer,
   O/o.the Collectorate,
   Pudukkottai,
   Pudukkottai District.

5. P.Thanraj,
   Senior Revenue Inspector,
   Collectorate, Pudukkottai.

6. P.Rajadurai,
   Senior Revenue Inspector,
   Colelctorate, Pudukkottai.

7. P.Suseela,
   Senior Revenue Inspector,
   Thirumayam Taluk Office,
   Pudukkottai District.

8. M.Balagopalan,
   Senior Revenue Inspector,
   Collectorate, Pudukkottai.

9. M.Balakrishnan,
   Senior Revenue Inspector,
   Karambakudi Taluk, Pudukkottai District.

10. Gnanasekar,
   Senior Revenue Inspector,
   Collectorate, Pudukkottai.

11. A.Thirupathi Venkatachalam,
   Senior Revenue Inspector,
   Aranthangi Taluk,
   Pudukkottai District.

12. S.Palaniyappan,
   Senior Revenue Inspector,
   Colectorate, Pudukkottai.

13. S.Senthilkumar,
   Senior Revenue Inspector,
   Collectorate, Pudukkottai.

14. M.Vijayalakshmi,
   Senior Revenue Inspector,
   Divisional Excise Office,
   Pudukkottai.

15. M.Subramaniyan,
   Senior Revenue Inspector,
   Viralimalai Taluk Office,
   Viralimalai, Pudukkottai District.

16. A.Lakshmanan,
   Senior Revenue Inspector,
   Sub Collector Office,
   Pudukkottai.

17. C.Mani,
Senior Revenue Inspector,
Collectorate, Pudukkottai.

18. M.Iswarya,
Senior Revenue Inspector,
Collectorate, Pudukkottai.

19. T.Sivakumar,
Senior Revenue Inspector,
Taluk Office, Gandarvakottai,
Pudukkottai District.

20. Mohamad Ismayil,
Senior Revenue Inspector,
D.B.C.W.O. Office,
Collectorate, Pudukkottai.

21. M.Thangaraj,
Senior Revenue Inspector,
Taluk Office, Thirmayam,
Pudukkottai District.

22.S.Palanisamy,
Senior Revenue Inspector,
Taluk Office, Viralimalai,
Pudukkottai District.

23. D.Ganesan,
Senior Revenue Inspector,
Taluk Office, Avudayarkoil,
Pudukkottai District.

24. M.Sekar,
Senior Revenue Inspector,
Taluk Office, Ponnamaravathi,
Pudukkottai District.

25. S.Senthil,
Senior Revenue Inspector,
Collectorate, Pudukkottai.

26. C.Balamurugan,
Senior Revenue Inspector,
Revenue Divisional Office,
Aranthangi, Pudukkottai District.

27. T.Ariyankavu,
Senior Revenue Inspector,
Collectorate, Pudukkottai.

28.M.Ramesh, Senior Revenue Inspector,
Collectorate, Pudukkottai.

29. K.Ramkumar,
Senior Revenue Inspector,
Collectorate, Pudukkottai.

30. N.S.Senthilkumar,
Senior Revenue Inspector,
Taluk Office, Manamelkudi,
Pudukkottai District. ... Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for records relating to the impugned order passed by the second respondent in his proceedings in Procgs.No.Ser IV(2)/16026/2017, dated 19.06.2017 and quash the same as illegal.

W.P.(MD)No.1146 of 2018

1. G.Mahesh,
Senior Revenue Inspector,
Taluk Office, Palani,
Dindigul District.

2. M.Vijayakumar,
Senior Revenue Inspector,
Collectorate, Dindigul,
Dindigul District.

3. R.Lakshmi,
Senior Revenue Inspector,
Special Tahsildar Office(S.S.S.),
Natham, Dindigul District.

4. K.Chellathai,
Senior Revenue Inspector,
Taluk Office, Vedasandur,
Dindigul District.

5. S.Abirami,
Senior Revenue Inspector,
Taluk Office, Nilakottai,
Dindigul District.

6. K.Tamizharasi,
Senior Revenue Inspector,
Collectorate, Dindigul,
Dindigul District.

7. V.Balagurunathan,
Senior Revenue Inspector,
Taluk Office, Nilakottai, Dindigul District.

8. G.Balasubramanian,
Senior Revenue Inspector,
Taluk Office, Kodaikanal,
Dindigul District.

9. P.Mariyasoosai,
Senior Revenue Inspector,
Taluk Office, Dindigul East,
Dindigul District.

10.S.Ramesh,
Senior Revenue Inspector,
Office of Special Tahsildar(S.S.S.),
Nilakottai, Dindigul District.

11.S.Varatharaja Perumpadaiyan,
Senior Revenue Inspector,
Collectorate, Dindigul,
Dindigul District.

12. R.Praveena,
Senior Revenue Inspector,
Taluk Office, Athoor,
Dindigul District.

13. K.Ganesh,
Senior Revenue Inspector,
District Supply Office, Collectorate,
Dindigul.

14. R.Lakshmi Gantham,
Senior Revenue Inspector,
O/o.the Special Tahsildar,
Social Security Scheme,
Dindigul West.

15. S.Annamalai,
Senior Revenue Inspector,
Taluk Office, Natham. ... Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Revenue Department, Secretariat,
Chennai.

2. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Disaster Management and Mitigation Department,
Chepauk, Chennai - 5.

3. The District Collector,
   Dindigul District, Dindigul.

4. The District Revenue Officer,
   Dindigul District,
   Dindigul.

5. K.Aadhikumar,
   Firka Revenue Inspector,
   Pannaikadu, Kodaikanal Taluk,
   Dindigul District.

6. M.Chitra,
   Senior Revenue Inspector,
   Divisional Excise Office,
   Palani, Dindigul District.

7. J.Moorthy,
   Senior Revenue Inspector,
   Collectorate, Dindigul.

8. A.Sumathi,
   Senior Revenue Inspector,
   Collectorate, Dindigul.

9. S.Jesuraj,
   Firka Revenue Inspector,
   Kallimanthaiyam,
   Oddanchatram, Dindigul District.

10.S.Mayavan,
   Senior Revenue Inspector,
   Revenue Divisional Office,
   Palani.

11. C.Saravanan,
   Senior Revenue Inspector,
   Collectorate, Dindigul.

12. A.Anthonisamy,
   Senior Revenue Inspector,
   Collectorate, Dindigul.

13.M.Kanagaraj,
   Senior Revenue Inspector,
   Taluk Office, Oddanchatram,
   Dindigul District.

14. T.K.Ramesh,
   Senior Revenue Inspector,
   Taluk Office, Palani, Dindigul District.

15. A.Manoharan,
Firka Revenue Inspector,
Vedasandur,
Dindigul District.

16. U.Shenbagavalli,
Firka Revenue Inspector,
Athoor Taluk, Dindigul District.

17. P.Manikandan,
Firka Revenue Inspector,
Korikadavu, Palani Taluk,
Dindigul District.

18. M.Mallika,
Senior Revenue Inspector,
O/o.the Special Thasildar,
Settlement Office,
Dindigul.

19. S.Premkumar,
Senior Revenue Inspector,
Divisional Excise Office,
Dindigul.

20. A.Ilanchelvan,
Firka Revenue Inspector,
Natham Taluk, Dindigul District.

21. P.Chandramani,
Firka Revenue Inspector,
Palani Taluk, Dindigul District.

22. A.Kavitha,
Senior Revenue Inspector,
Collectorate,
Dindigul District.

23. G.Katturaja,
Senior Revenue Inspector,
Taluk Office, Oddanchatram,
Dindigul District.

24. B.Arokya Britto,
Senior Revenue Inspector,
Taluk Office, Athoor,
Dindigul District.

25. B.G.Chandraleka,
Senior Revenue Inspector,
O/o.Adi Dravidar Welfare,
Palani, Dindigul District.

26. P.Murugesan,
Senior Revenue Inspector,
Taluk Office, Oddanchatram,
Dindigul District.

27. S.Prabhu Siva Shankar,
Firka Revenue Inspector,
Palani, Palani Taluk,
Dindigul District.

28. R.Mohana Sundari,
Firka Revenue Inspector,
Kottarnatham, Vedasandur Taluk,
Dindigul District.

29. S.Selvakumar,
Senior Revenue Inspector,
Taluk Office, Nilakottai,
Dindigul District.

30. R.Tenniskumar,
Firka Revenue Inspector,
Viruveedu, Nilakottai Taluk,
Dindigul District.

31. P.Parameshwari,
Senior Revenue Inspector,
Collectorate, Dindigul.

32. M.Soundarapandian,
Senior Revenue Inspector,
Collectorate, Dindigul.

33. V.Marx,
Senior Revenue Inspector,
Taluk Office, Dindigul West,
Dindigul District.

34. N.Karuppusamy,
Firka Revenue Inspector,
Kodaikanal, Kodaikanal Taluk,
Dindigul District.

35. C.Kajasheriff,
Senior Revenue Inspector,
Collectorate, Dindigul.

36. P.Sundarapandian,
Senior Revenue Inspector,
Taluk Office, Natham,
Dindigul District.

37. M.Muthuvinayagam,
    Senior Revenue Inspector,
    Collectorate, Dindigul.

38. N.Sankar,
    Senior Revenue Inspector,
    Taluk Office, Palani,
    Dindigul District.

39. V.Amuthamozhi,
    Firka Revenue Inspector,
    Thoopampatti,
    Palani Taluk Dindigul District.

40. M.Jeyakumar,
    Firka Revenue Inspector,
    Chinnalapatti, Athoor Taluk,
    Dindigul District.

41. M.Amutha,
    Firka Revenue Inspector,
    Ayyampalayam, Athoor Taluk,
    Dindigul District.

42. P.Muthupandi,
    Firka Revenue Inspector,
    Natham, Dindigul East,
    Dindigul District.

43. R.Venkatesan,
    Firka Revenue Inspector,
    Sanarpatti, Dindigul East,
    Dindigul District.

44. K.Selvi,
    Firka Revenue Inspector,
    Oruthattu, Nilakottai Taluk,
    Dindigul District.

45. R.Venkaimarban,
    Firka Revenue Inspector,
    Senthurai, Natham Taluk,
    Dindigul District.

46. J.Ansari,
    Firka Revenue Inspector,
    Ayarkudi, Palani Taluk,
    Dindigul District.

47. P.Murugan,
Firka Revenue Inspector,
Kovilur Vedasandur Taluk,
Dindigul District.

48. A.Arokya Xaviour,
Firka Revenue Inspector,
Kambiliamopatti, Dindigul East,
Dindigul District.

49. C.Mythili,
Firka Revenue Inspector,
Oddanchatram Taluk,
Dindigul District.

50. K.Ponnusamy,
Firka Revenue Inspector,
Devathoor, Oddanchatram Taluk,
Dindigul District.

51. N.Ganesan,
Senior Revenue Inspector,
Taluk Office, Dindigul West,
Dindigul District.

52. K.Muthukutti,
Firka Revenue Inspector,
Oddanchatram Taluk,
Dindigul District.

53. T.Muthamilselvan,
Firka Revenue Inspector,
Dindigul West Taluk,
Dindigul District.

54. A.Chandrasekaran,
Firka Revenue Inspector,
Nilakottai, Nilakottai Taluk.

55. K.Sakthi Ponnusamy,
Firka Revenue Inspector,
Oddanchatram Taluk,
Dindigul District.

56. E.Latha,
Firka Revenue Inspector,
Vadamadurai, Vedasandur Taluk,
Dindigul District.

57. K.Subbulakshmi,
Senior Revenue Inspector,
O/o.District Adidravidar Welfare,
Collectorate, Dindigul,
Dindigul District.

58. G.Kuppathal,
Firka Revenue Inspector,
Palakanoothu, Dindigul West Taluk,
Dindigul District.

59. S.Saravanamuthu,
Firka Revenue Inspector,
Pillaiyarnatham Firka,
Nilakottai Taluk, Dindigul District.

60. R.Abudhakir,
Firka Revenue Inspector,
Neikarapatti, Palani Taluk,
Dindigul District.

61. S.Vanitha, Senior Revenue Inspector,
Taluk Office, Oddanchatram,
Dindigul District.

62. R.Bama, Senior Revenue Inspector,
Taluk Office, Natham,
Dindigul District.

63. S.Satheesh,
Firka Revenue Inspector,
Batlagundu, Nilakottai Taluk,
Dindigul District.

64. G.Thangapandiyan,
Firka Revenue Inspector,
Thandikudi, Kodaikanal Taluk,
Dindigul District.

65. M.Muralisankar,
Senior Revenue Inspector,
Collectorate, Dindigul.

66. S.Ramalakshmi,
Senior Revenue Inspector,
Taluk Office, Palani,
Dindigul District.

67. C.Sambathkumar,
Senior Revenue Inspector,
Collectorate, Dindigul.

68. K.Ayyamani,
Special Revenue Inspector(Refugees),
Palani Taluk, Dindigul District.

69. K. Rengarajan,
Senior Revenue Inspector,
Collectorate, Dindigul.

70. P.Meenakshi,
Senior Revenue Inspector,
Palani Taluk, Dindigul District.

71. R.Jeyanthi,
Senior Revenue Inspector,
Collectorate,
Dindigul.

72. E.K.Ramasamy,
Senior Revenue Inspector,
O/o.Assistant Commissioner(Excise),
Collectorate, Dindigul District.

73. P.Priya,
Senior Revenue Inspector,
Collectorate, Dindigul. ... Respondents

PRAYER : Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for records relating to the impugned order passed by the fourth respondent in his proceedings in Na.Ka.No.37470/2017/A2, dated 27.11.2017 and quash the same as illegal and consequentially to direct the respondents to draw the inter-se seniority list of the Assistants directly recruited through T.N.P.S.C., for the year 2013 and the Revenue Assistants promoted for the year 2013 on the basis of the date of their appointment/joining in the cadre of Revenue Assistants by placing the private respondents in the seniority of the year 2013 in the light of Clause 9 of the Annexure IX r/w 38(b)(ii) of Tamil Nadu Ministerial Service Rules.

(in all petitions)

For Petitioners : Mr.M.Ajmal Khan,
Senior Advocate,
for M/s.Ajmal Associates (in W.P.(MD)Nos.20934 of 2015, 11839 of 2017 and 1146 of 2018)
Mr.S.S.Madhavan
(in W.P.(MD)No.13547 of 2017)

For Respondents : Mrs.S.Srimathy,
Special Government Pleader
for R-1 to R-4 in
W.P.(MD)Nos.20934 of 2015,
11839 of 2017
and 1146 of 2018.

Mr.D.Muruganantham,
Additional Government Pleader
for R-1 to R-4 in
W.P.(MD)No.13547 of 2017

Mr.Issac Mohanlal,
Senior Advocate,
for Mr.S.Kumar for R-5 to R-72
in W.P.(MD)No.1146 of 2018

Mr.T.Lajapathy Roy
for R-5 to R-30 in
W.P.(MD)No.13547 of 2017,
for R-5 to R-17 in
W.P.(MD)No.11839 of 2017&
for R-5 to R-24 in
W.P.(MD)No.20934 of 2015

Mr.G.Chandrasekar,
for R-25 & R-26
in W.P.(MD)No.20934 of 2015.

For R-73 in
W.P.(MD)No.1146 of 2018 : No appearance

***

COMMON ORDER

The petitioner in W.P.(MD)No.11839 of 2017 joined the Revenue Department as Typist on 28.07.2009. He was promoted as Revenue Assistant on 30.06.2012. He is eligible to be promoted to the next higher post of Deputy Tahsildar. The private respondents in W.P.(MD)No.11839 of 2017, on the other hand were directly recruited as Revenue Assistants on 12.03.2012 itself.

2. The District Revenue Officer, Pudukottai District prepared and published the tentative consolidated inter-se seniority list of Revenue Assistants for the year 2012 on 24.10.2014. The Assistants who were appointed in the year 2012 either by direct recruitment or by promotion were fixed in the ratio of 2:1(2 from promotees and 1 from direct recruit). The final seniority list was published on 20.04.2017. Aggrieved by the same, the private respondents filed an appeal before the second respondent.

3. The second respondent by the impugned proceedings dated 19.06.2017 set aside the final seniority list published by the

fourth respondent on the ground that the fourth respondent had adopted the calender year concept. The fourth respondent was directed to redraw the inter-se seniority list as per the panel year. Aggrieved by the same, W.P.(MD)No.11839 of 2017 has been filed.

4. The petitioners in W.P.(MD)No.13547 of 2017 were recruited originally either as Junior Assistants or Typists. They were all promoted as Revenue Assistants on 30.06.2012. The petitioners in W.P.(MD)No.13547 of 2017 are also working in Pudukottai District and they are equally aggrieved by the order of the second respondent dated 19.06.2017, setting aside the seniority list prepared by the District Revenue Officer, Pudukkottai/fourth respondent in both Writ petitions.

5. The petitioners in W.P.(MD)No.20934 of 2015 were promoted as Revenue Assistants on 31.08.2012. Respondents 5 to 8, on the other hand were directly recruited as Assistants in the year 2012. The District Collector, Theni District, published the tentative consolidated inter-se seniority list on 23.03.2015, placing the Revenue Assistants who were directly recruited in the year 2012 in the seniority list of the year 2011. Questioning the same, the petitioners filed W.P.(MD)No.11105 of 2015 for the re-drawal of the inter-se seniority list. When the matter was taken up for admission, it was represented by the Government counsel that the final seniority list was yet to be published and that the objections of the petitioners would be considered. Recording the said submission, the said Writ petition was disposed of and the objections of the petitioners were directed to be considered and the seniority list was to be published only thereafter. The third respondent by proceedings, dated 31.07.2015, published the final seniority list. The objections of the petitioners stood rejected. The third respondent had stated that since directly recruited Assistants were appointed prior to 15.03.2012, they would be placed in the seniority list of the year 2011-2012. Questioning the same, the present Writ petition came to be filed.

6. The petitioners in W.P.(MD)No.1146 of 2018 are working in Dindigul District. They were all promoted as Revenue Assistants on 27.03.2013. Respondents 5 to 73 were directly recruited as Assistants on 11.01.2013. The fourth respondent, namely, District Revenue Officer, Dindigul, vide proceedings dated 18.09.2012, published the consolidated inter-se seniority list of Revenue Assistants for the year 2012. The final list was published on 27.11.2017. The directly recruited Assistants who were recruited on 11.01.2013 were placed in the seniority list of the year 2012. Questioning the same, the promotee Assistants filed the aforesaid Writ petition.

7. Heard Mr.M.Ajmal Khan, learned Senior counsel representing counsel on record appearing for the petitioners in W.P.(MD)Nos.20934 of 2015, 11839 of 2017 and 1146 of 2018, Mr.S.S.Madhavan, learned

counsel appearing for the petitioners in W.P.(MD)No.13547 of 2017, Mrs.S.Srimathy, learned Special Government Pleader appearing for respondents 1 to 4 in W.P.(MD)Nos.1146 of 2018, 1839 of 2017 and 20934 of 2015, Mr.D.Muruganantham, learned Additional Government Pleader appearing for respondents 1 to 4 in W.P.(MD)No.13547 of 2017, Mr.Issac Mohanlal, learned Senior counsel representing counsel on record appearing for respondents 5 to 72 in W.P.(MD)No.1146 of 2018 and Mr.T.Lajapathy Roy, learned counsel appearing for respondents 4 to 30 in W.P.(MD)No.13547 of 2017, respondents 5 to 17 in W.P.(MD)No.11839 of 2017 and respondents 5 to 24 in W.P.(MD) No.20934 of 2015 and Mr.G.Chandrasekar, learned counsel appearing for respondents 25 and 26 in W.P.(MD)No.20934 of 2015.

8. Though the Writ petitions pertain to 3 districts, namely, Pudukkottai, Theni and Dindigul, the issue on hand is one and the same. The battle between the promotees and direct recruits in service law is rather perennial. The case on hand is one more instance. Learned Senior counsel appearing for the petitioners stated that the promotee Assistants who are the Writ petitioners would present a rather simplistic picture. According to him, in the instant case, the official respondents are placing the directly recruited Assistants in the seniority list prepared for the year previous to their appointment. For instance, in the case of Dindigul District, respondents 5 to 73 were appointed only on 11.01.2013. But they have been placed in the seniority list prepared for the year 2012. According to the learned Senior counsel, this is not only logically impossible, but also contrary to the elementary principles of service jurisprudence. The learned Senior counsel took this Court through relevant rules. The post of Assistant is governed by Tamil Nadu Ministerial Service rules. Rule 38(b) (ii) of the said rule reads as under:-

> "(ii) Appointment, training and condition of service of directly recruited Assistants:-
>
> Notwithstanding anything contained in the foregoing rules, the rules in Annexure IX shall govern the direct recruitment of Assistants in the Revenue Department."

9. Clause 9 of Annexure IX states that inter-se seniority of the directly recruited Assistants in the Districts shall be fixed in a cyclical order. Originally, the first two vacancies were to be filled up by persons appointed by promotion, while the third vacancy was to be filled up by person appointed by direct recruitment. This rule was amended vide G.O.Ms.No.392 Revenue Department, dated 09.03.1987. Now the first vacancy goes to directly recruited Assistant while the second and third vacancies will go to promotee Assistants. The fourth vacancy will go to directly recruited Assistant. Fifth and sixth vacancies will go to promotee Assistants and so on.

10. The learned Senior counsel appearing for the Writ petitioners/Promotee Assistants placed materials to show that

during some of the earlier years, the position for which he is presently canvassing was followed. In other words, the year of appointment alone was taken into account for the purpose of fixing the seniority. He submitted that fixing of seniority based on panel year concept is unknown to service jurisprudence. There is no statutory backing for following the concept of panel year. According to him, it is the calender year that must be adopted. He found fault with the approach of the Department in taking re-course to Rule 13(A) which reads as follows:-

> "13A.Preparation of annual list of approved candidates:-
>
> The crucial date on which the candidates should possess the prescribed qualifications for purposes of inclusion in the annual list of approved candidates for appointment to the posts by promotion and recruitment by transfer shall be the 15th March of every year."

11. The learned Senior counsel would point out that the said rule has no application whatsoever in the matter of fixing of inter-se seniority. It is relevant in the matter of promotion alone. When the rule does not contemplate the same, it is not open to the authorities to invoke the same. He contended that though as per Rule 35(aa) of Tamil Nadu State and Subordinate Service Rules, the seniority of the person in service will be determined with reference to the date on which he is appointed, it is subject to special rules. Therefore, the Authority ought to have acted only by following Clause 9 and finalised the said seniority list in the cyclical manner prescribed therein.

12. He also took this Court to the decision rendered by Tamil Nadu Administrative Tribunal in O.A.Nos.4451 and B 5959 of 1995, dated 11.04.1996. He placed heavy reliance on paragraph No.10 of the said order. The said order was challenged before the Hon'ble Supreme Court and the same was dismissed on 01.11.1996. Thereafter it was implemented by the Government vide G.O.Ms. No.99 Revenue Department, dated 26.02.1999. Further, as early as on 02.08.1964, the Madras Public Service Commission had issued a notification mandating that the selected candidates will be given seniority in the year of their appointment and not in the year of their selection. He also invoked Section 3 (38) of Tamil Nadu General Clauses Act, 1891, according to which the expression "year" shall mean a year reckoned according to British calender. It means the period of 12 months commencing from January to December. He therefore prayed that the orders impugned in the Writ petitions may be set aside.

13. The learned Special Government Pleader and the learned Senior counsel and the learned counsel appearing for the directly recruited Assistants on the other hand wanted this Court to sustain the orders impugned in the Writ petitions. The learned Senior counsel appearing for the respondents emphatically contended that in

the matter of promotion it is only the panel year which is being adopted and that therefore, the very same yardstick ought to be adopted in the matter of reckoning seniority also. Coming to the case on hand pertaining to Dindigul District, he pointed out that the selection for the post of Assistants through direct recruitment was finalized quite sometime back and that it was stalled by the filing of Writ petitions by the promotees. Only after the disposal of the Writ petitions, the direct recruits were able to join in their posts on 11.01.2013. According to the direct recruits, the promotee Assistants have been putting spokes in the wheels of their career at every stage.

14. This Court bestowed its anxious consideration to the rival contentions. One fact is beyond dispute. The Writ petitioners were promoted as Assistants only after the private respondents who had already been appointed as Assistants by way of direct recruitment. Their entry into service as Assistants was later in point of time. In the normal course of events, the Writ petitioners would naturally be ranked below the private respondents herein. But, then the Writ petitioners seek to steal a march over the private respondents by invoking Clause 9 of Annexure 9 of Tamil Nadu Ministerial Services Rules. As rightly pointed out by the learned Senior counsel for the Writ petitioners, the general rule set out in Rule 35(aa) of Tamil Nadu State and Subordinate Service Rules is subject to the special rules. Therefore, the benefit conferred by Clause 9 of Annexure 9 of Madras Public Service Commission Rules cannot be taken away by invoking the general rule. Clause 9 states that the inter-/se seniority of the directly recruited Assistants in the District shall be fixed in the cyclical order set out thereunder irrespective of the date of their joining duty. The expression "irrespective of the date of their joining duty" is the foundation for the claim of the Writ petitioners/promotees. According to them, even though they were promoted as Assistants later in point of time, by applying Clause 9 of Annexure 9, they have to be placed above the direct recruits.

15. This Court is unable to agree with the submissions of the learned Senior counsel appearing for the promotees. It should be noted that the State of Tamil Nadu represented by its Principal Secretary, Revenue Department is figuring as the first respondent in the Writ petitions. In other words even though the order of the Commissioner of Revenue Administration alone is under challenge in W.P.(MD)No.11839 of 2017, the Government has also been made as a party in the said Writ petition. In the counter affidavit filed by the official respondents, it is averred that the counter affidavit is filed on behalf of the Government also. Therefore, this Court proceeds on the premise that the Government has taken a categorical stand supporting the adoption of the panel year concept in the matter of fixing of inter-se seniority between the directly recruited Assistants and the promotee Assistants.

16. The issue on hand is whether the authority should follow panel year concept or calender year concept. If calender year concept is followed, the seniority list finalised will be one and if panel year concept is followed, the drawal of the seniority list will be different. This can be illustrated in the following manner:-

The stand of the Government is that the panel year commences on 15th March of the previous year and ends on 14th March of the current year. In W.P.(MD)No.1146 of 2018, the private respondents were appointed as directly recruited Assistants on 11.01.2013. Since this falls within the panel year 2012-2013 that is from 15.03.2012 to 14.03.2013, they will be placed in the seniority list of the year 2012-2013. The Writ petitioners who were promoted as Assistants, but after 15.03.2013 will be placed in the seniority list of the year 2013-2014 commencing from 15.03.2013 and ending to 14.03.2014. If calender year concept is to be adopted, the private respondents in W.P.(MD)No.1146 of 2018 who were appointed on 11.01.2013 will be considered along with the Writ petitioners as both were appointed only in the year 2013.

17. The expression “year” will partake its meaning depending on the context. If one has a flair for hyperbole and exaggeration, one can say that there can be 365 different ways of defining an year. As per Section 45 of I.P.C., it is to be reckoned according to the British calender. In Cantonment Act, year commences on the first day of April. In Coffee Act, year commences on the first day of July and ends with 30th June. In Electricity Supply Act, it commences on the first day of April. In Sugar Export promotion Act, it commences on the first day of May. In Sugar (Regulation of production) Act, it commences on the first day of November. We have financial year, assessment year, accounting year, academic year and agricultural year. In one case, it was held that the expression “year” does not end in a particular period of 12 months in any particular manner. (Vide P.Ramanatha Aiyer's Advanced Law Lexicon)

18. The expression “year” has not been defined in the present statutory context. This Court is therefore of the view that when the rules are otherwise silent, it is open to the employer to adopt any reasonable yard-stick. The petitioners have not shown as to how the stand of the Department is violative of any statutory provision or rule. As there is no specific statutory mandate that the calender year concept must be adopted while fixing seniority, it is open to the authorities to take a stand that the panel year concept will be followed while finalising seniority. The employer can always set the standard in such situations. This Court will not be justified in negativing the stand of the authorities in the absence of a clear and positive statutory provision to the contrary. There is one other aspect. The purpose of finalising the seniority list is to prepare the panel for promotion. In other words, seniority and promotion are closely interlinked. It is not in dispute that it is panel year which is followed in the matter of promotion. The object

of judicial interpretation must be to ensure internal harmony within a given statutory frame work. If panel year concept is followed in the matter of promotion, the same can be followed while reckoning seniority also.

19. This Court is of the view that the case on hand cannot be said to be covered by the order dated 11.04.1996 passed by the Tamil Nadu Administrative Tribunal in O.A.Nos.4451 and 5959 of 1995. The only issue that arose for consideration before the Tribunal was whether the inter-se seniority of directly recruited Assistants in District Revenue Unit should be fixed on the basis of the date of Tamil Nadu Public Service Commission notification, inviting applications for the posts or on the basis of the date of joining duty in the District Revenue Unit. The Tribunal setting aside the orders passed by the Government held that the material date will not be the date of Tamil Nadu Public Service Commission notification but the date of joining duty. The Tribunal was not called upon to decide whether panel year or calender year would be the appropriate yard-stick in reckoning seniority. Therefore, the aforesaid decision of the Tribunal does not advance the case of the petitioners in any manner.

20. The learned Senior counsel appearing for the petitioners raised one more contention. He submitted that the promotee Assistants of Pudukottai were not heard before passing of the impugned order. If this Court is to set aside the proceedings on the ground of violation of the principles of natural justice, the proper course would be to remit it to the file of the authorities to take a decision afresh. But, what has been raised in a point of law. It would be in the fitness of things that this Court should itself decide the issue. That is why this Court chose to hear the matter on merits. In this view of the matter, the Writ petitions stand dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government of Tamil Nadu,
   Revenue Department, Secretariat, Chennai.

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

3. The District Collector,
   Theni District, Theni.

4. The District Revenue Officer,
   O/o. the Collectorate, Theni, Theni District.

5. The Additional Chief Secretary/Commissioner
   of Revenue Administration,
   Disaster Management and Mitigation Department,
   Chepauk, Chennai - 5.

6. The District Collector,
   Pudukkottai, Pudukkottai District.

7. The District Revenue Officer,
   O/o. the Collectorate,
   Pudukkottai, Pudukkottai District.

8. The District Collector,
   Dindigul District, Dindigul.

9. The District Revenue Officer,
   Dindigul District,
   Dindigul.

+2CC to Mr.T.Lajapathi Roy, Advocate, SR.Nos. 66692 & 66694
+2CC to Mr.G.Chandrasekar, Advocate, SR.Nos. 66585
+1CC to M/s.Ajmal Associates, SR.No. 66721
+1CC to the Special Government Pleader SR.No.66951

COMMON ORDER
MADE IN
W.P.(MD).Nos.20934 of 2015,
11839 of 2017, 13547 of 2017 and 1146 of 2018
and M.P.(MD).Nos.2 & 3 of 2015 and
W.M.P.(MD)Nos.5479 & 8069 of 2016,
9111 & 9112 of 2017, 10598 &
10599 of 2017 & 1224 & 1225 of 2018
04.06.2018

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AM/SV MMS/SAR 1/07.06.2018/26P/16C