

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE C.V. KARTHIKEYAN

W.P.No.27226 of 2012

1.R.Arunachalam

2.S.Krishnan

3.M.A.Kandasamy

4.S.Rajamanickam

5.V.Balasundaram (Died)

6.Manimala

7.B.Malarvizhi

8.B.Amudha

9.B.Jayamurugan

10.B.Rajesh

... Petitioners

(P6 to P10 are substituted as
Lrs of the deceased P5 vide
order dated 15.03.2019, made in
WMP.No.8396 of 2019 in
W.P.No.27226 of 2012 by this
Court)

Vs

1. The District Collector,
Salem District,
Salem.

2. The Special Commissioner and
Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.

3. Government of Tamil Nadu Rep.,
by Secretary to Government,
Revenue Department,
Fort St. George,
Chennai - 600 009.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India for issuance of writ of mandamus directing
the respondents to grant all consequential benefits pursuant to
the Judgment of this Court dated 01.09.2006 in W.P.No.37943 of
2003 by including the names of the Petitioners in the list of
Deputy Collectors in the appropriate place in the appropriate

year and grant notional promotion to them with effect from the respective dates of such promotion of their Juniors in terms of G.O.(2D) No.190 Revenue (Ser.10(2)) Department, dated 01.04.2010 and to grant them all consequential monetary benefits including revision of retirement and pensionary benefits.

For Petitioners : Mr.M.Ravi

For Respondents : Mr.P.S.Siva Shanmugasundaram,
Special Government Pleader

O R D E R

This writ petition has been filed by the writ petitioners in the nature of mandamus calling upon the respondent to grant consequential benefits pursuant to the Judgment of this Court in W.P.No.37943 of 2003 by order dated 01.09.2006 by including the names of the petitioners in the list of Deputy collector in the appropriate places in the appropriate year and grant notional permission to them.

2. Originally the writ petitioners had approached the Tamil Nadu Administrative Tribunal by filing T.A.No.531 of 1997. By order dated 11.07.2002, the learned Tribunal did not feel it proper to pass a favourable order with respect to the petitioners. Thereafter, the petitioners filed W.P.No.37943 of 2003 which came to be heard before a Division Bench of this Court. By order dated 01.09.2006, the Division Bench examined the case of the petitioners and passed the following order:

"9. In view of the above discussion, we are satisfied that the Tribunal order is liable to be set aside and accordingly set aside. Consequently, the order passed by the Government is also set aside. The writ petition is allowed. No orders.

10. It is submitted by the learned counsel appearing for the petitioners that all the petitioners have retired from service. In that case, the petitioners are entitled only for inclusion of their names in the panel of Deputy Tahsildars for the year 1975 and on that basis for nominal promotion and for consequential monetary benefits to which they are entitled in accordance with law. This exercise has to be done within a period of eight weeks from the date of receipt of a copy of this order."

3. Mr.P.S.Siva Shanmugasundaram, learned Special Government

Pleader pointed out that subsequently, the Government had passed G.O.Ms.No.193 Revenue (Ser. 3(2)) Department on 11.04.2007 and had granted necessary relief as directed by this Court in W.P.No.37943 of 2003. It is also pointed out that subsequently, the writ petitioners have also been assigned rank on the basis of their seniority in the cadre of District Tahsildar also. Therefore, it is submitted by the learned Special Government Pleader that since all the benefits have been extended, nothing survives further to be decided in this writ petition.

4. This statement is factually correct.

5. However, Mr. M.Ravi, learned counsel for the petitioners expressed the grievance of the petitioners that on the basis of the order of this Court, another employee by name K.Venkataraman had independently approached the Government and got the monetary benefits for the post of District Revenue Officer which is one post senior to the post of Deputy Tahsildar.

6. In this connection, an additional typed set of papers has been filed with copies of two representations dated 19.02.2019 and 09.03.2019, both submitted by the writ petitioners. However, those aspects had arisen pending the writ petition. It is stated that among the writ petitioners, Mr.M.A. Kandasamy had been included in the list of Deputy Collector in the year 1992 and similarly S.Krishnan, V.Balasundaram and S.Rajamanickam has also been listed in the cadre of Deputy Collector as on 1997. These statements will have to be independently examined by the respondents.

7. The claim of the 2, 4 and 5 petitioners namely S.Krishnan, S.Rajamanickam and V.Balasundaram that they may not also to be considered for the post of District Revenue Officer has to be addressed by them to the Government and the respondents would have to take appropriate decision as and when they give representation along with necessary documents to substantiate their claim.

8. Insofar as the present writ petition is concerned, since the Government had satisfied and granted their reliefs, nothing survives for further adjudication in this matter and same is disposed of, however, giving liberty to the second and fourth petitioners and the legal heirs of the fifth petitioner to approach the Government by way of suitable representations and seek necessary relief. Needless to point out, this Court has confidence that the Government could take necessary action on those representations at the earliest.

9. Accordingly, the writ petition is disposed of with the

above observations. However, there shall be no order as to costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Salem District, Salem.
2. The Special Commissioner and
Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.
3. The Secretary,
Government of Tamil Nadu,
Revenue Department,
Fort St. George,
Chennai - 600 009.

+1cc to Mr.M.Ravi, Advocate, S.R.No.41762

+1cc to the Government Pleader, S.R.No.41924

W.P.No.27226 of 2012

NMI (CO)
CS/27/06/2019

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