

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

CORAM :

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.23675 of 2014
and M.P.No.1 of 2014

R.Govindasami

.. Petitioner

Vs.

- 1.The Chief Secretary to Government,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
- 2.The Additional Chief Secretary,
Commissioner of Revenue Administration,
Secretariat, Chennai - 600 009.
- 3.The Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.
- 4.The District Collector,
Collectorate,
Tiruvannamalai District.

..Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to give the promotion to the petitioner as Deputy Thasildhar and further direct the respondents to give pensionary benefits available to the post of Deputy Thasildhar to the petitioner.

For Petitioner : Mr.A.Gouthaman

For Respondents: Mr.B.Anand
Government Advocate

O R D E R

The Writ Petition has been filed seeking to direct the respondents to give the promotion to the petitioner as Deputy

Thasildhar and further direct the respondents to give pensionary benefits available to the post of Deputy Tahsildhar to the petitioner.

2.The learned counsel for the petitioner would submit that the petitioner was appointed as Village Administrative officer in Kattavarampalayam Village, Polur Taluk, Tiruvannamalai District on 11.08.1982. The petitioner worked in the Revenue Department with an unblemished service for more than 32 years without having any adverse remarks in his duty. The petitioner made a representation to the 4th respondent to relax the Service Rule 7(a) Appendix III and in turn, the 4th respondent forwarded the same to the other respondents. Based on the communication given by the 4th respondent, the third respondent passed an order relaxing Rule 7(a) Appendix III to the petitioner. But the 4th respondent has not filled up the vacancies in a post borne on the cadre of higher category in a service or class by promotion from lower category and there is a delay in considering the seniority list for the promotion for next higher category. The petitioner was superannuated on 31.08.2014 and subsequently, the respondent considered for the promotion to the higher post by fixing the crucial date as 15.09.2014. Therefore, the petitioner who has served in the Department for long number of years, i.e. for more than 32 years could not avail any promotion opportunity and he was superannuated without attaining promotion post. Therefore, this Court may consider the service rendered by the petitioner and grant relaxation for the promotion to the higher post.

3.The learned Government Advocate would submit that in paragraph 3 of the counter affidavit filed by the 4th respondent it has been stated that the petitioner reached the date of superannuation on 31.08.2014 and he was retired from service on 31.08.2014. He would further submit that the name of the petitioner could not be considered for the panel of Deputy Tahsildar for the year 2014 mainly on the ground that for inclusion in the panel of Deputy Tahsildar for the year 2014, the crucial date is fixed as 15.09.2014. Therefore, the petitioner's name has not been included in the panel for promotion to the post of Deputy Tahsildar.

4.Considering the submission made by both parties and the counter affidavit filed by the 4th respondent wherein it has been specifically stated that the petitioner's has not been considered in the panel of Deputy Tahsildar mainly on the ground that the petitioner was superannuated before the crucial date, i.e. on 15.09.2014 fixed for the panel prepared for the promotion to the post of Deputy Tahsildar, I am of the view that there is no merit in the present writ petition. Accordingly, the writ petition stands dismissed. No order as to costs.

Consequently, connected miscellaneous petition is closed.

cse

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Chief Secretary to Government,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
- 2.The Additional Chief Secretary,
Commissioner of Revenue Administration,
Secretariat, Chennai - 600 009.
- 3.The Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.
- 4.The District Collector,
Collectorate, Tiruvannamalai District.

+1cc to Mr.A.Gouthaman,Advocate, SR.No.12123

+1cc to The Govt.Pleader, vide SR.NO.12320

सत्यमेव जयते

W.P.No.23675 of 2014
and M.P.No.1 of 2014

Kak (25/03/2019)

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