

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 30870 of 2019

Ammjath A.

..Petitioner

Vs.

1.The Government of Tamilnadu
Rep. by its Addl. Chief Secretary
Revenue Department,
Fort St.George, Chennai 600 009.

2.The Principal Secretary/
Commissioner of Revenue Administration
Disaster Management and Mitigation Department
Chepauk, Chennai 600 005.

3.The District Collector
Namakkal District,
Collectorate, Namakkal

4.The District Revenue Officer,
Namakkal.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, direction the respondents herein to include the name of the petitioner in the panel to post of the Deputy Tahsildar by regularizing the petitioner's service as Revenue Assistant from the years 2011 based upon the petitioner's representation dated 11.08.2016 sent to the second respondent within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Senthil

For Respondents : Mr.A.N.Tambidurai,
Special Government Pleader.

ORDER

1.These writ petitions have been been filed by the petitioners, praying for issuance of a Writ of Mandamus, to direct the the respondents herein to include the name of the petitioners in the panel to post of the Deputy Tahsildar by regularizing the petitioners service as Revenue Assistant from the years 2011

based upon the petitioners representations dated 11.08.2016, sent to the second respondent within a time frame to be fixed by this Court.

2. The case of the petitioner is that the petitioner was appointed as Jr. Assistant on compassionate grounds on 30.07.2008, and his service were regularized with effect from 30.07.2008 vide Government Order in G.O.(2D) No.1009 Revenue Department Dated 20.11.2014. Thereafter, the petitioner was sent to the foundational training by the respondents and the petitioner has also undergone the same at Bhavani Sagar Government Officer Training Centre, from 09.01.2015 to 02.03.2015, Vide proceedings dated 03.11.2015 the third respondent declared the probation of petitioner from 04.09.2010. The grievance of the petitioner is that in the panel of Jr. Assistant for promotion to the post of Deputy Tahsildar drawn in the year 2011, his name was not found. According to the petitioner for promotion to the post of Deputy Tahsildar, incumbent should have undergone foundational training for the period of two months and that though the petitioner joined as early as in the year 2007, he was sent for the said training only on 09.01.2015 and for this administrative delay his name was not included in the panel. Hence the petitioner made representation on 11.08.2016 to the third respondent seeking to include his name in the panel for promotion to the post of Deputy Tahsildar, which was forwarded by the third respondent to the second respondent. Since no response is forthcoming, despite his representation the petitioner has come forward with the present writ petition.
3. The learned counsel appearing for the petitioner would submit that the petitioner joined his service as early as in the year 2007, but he was sent for the foundational training only in the year 2015 after a lapse of seven years and due to this administrative delay his name was not included in the panel for promotion to the post of Deputy Tahsildar and such delay is not on the part of the petitioner and thereafter he cannot deny the promotion on the administrative delay. Further in this regard though the petitioner made representation in the year 2016 no orders have been passed by the respondents. Hence the learned counsel would implore this Court to direct the respondents to consider the representation passed prior orders therein within a period of time frame fixed by this Court.
4. The learned Government Advocate appearing for the respondents conceded to the request as submitted by the learned counsel appearing for the petitioner. The learned counsel would submit that if this Court directs the respondents to consider the dispose of the representations made by the petitioner, the same would be complied with and the representation would be disposed of in accordance with law.

- 5.Considering the facts and circumstance of the case and the submissions made by the learned counsel for the petitioner and since the representation made by the petitioner has been pending, this Court directs the second respondent to dispose of the Writ Petitioner's representation dated 11.08.2016, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.
- 6.With the above direction, the Writ Petition is disposed of.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Additional Chief Secretary
Revenue Department,
Fort St.George, Chennai 600 009.
- 2.The Principal Secretary/
Commissioner of Revenue Administration
Disaster Management and Mitigation Department
Chepauk, Chennai 600 005.
- 3.The District Collector
Namakkal District,
Collectorate, Namakkal
- 4.The District Revenue Officer,
Namakkal.

+1 cc to The Government Pleader Sr.No. 91782

AKM/03.12.19/3P-6C /

AKM/16.12.19

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