



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.4625 of 2015

and

M.P. (MD) .No.1 of 2015

R.Chinna Sakkaiah

... Petitioner

-Vs-

1.The District Collector,
Karur, Karur District.

2.The District Revenue Officer,
Karur District, Karur.

3.P.Manivannan
Revenue Inspector,
Chinna Dharapuram Firka
Aravakurichi Taluk,
Karur District.

4.T.Periyasamy
Revenue Inspector,
Sindhalavadi Firka,
Karur District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the seniority list issued by the 2nd respondent vide proceedings in Na.Ka.A3/6162/2013 dated 03.09.2013 and consequential proceedings of the 2nd respondent in Na.Ka.No.A3/05/2014 dated 01.10.2014 and quash the same in so far relates to the petitioner and direct the second respondent to place the petitioner above the 4th respondent in the said Seniority list and to promote the petitioner as Revenue Inspector from the date, the fourth respondent given appointment with all attendant benefits.

For Petitioner

: Mr.Ponkarthikeyan

For R1 & R2

: Mr.K.Mu.Muthu

Additional Government Pleader

For R3 & R4

: No appearance

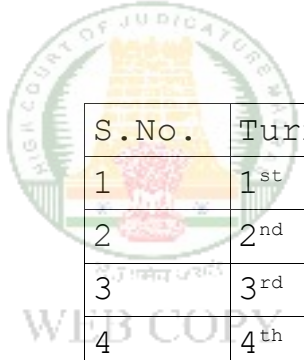
**ORDER**

The impugned order of fixation of seniority as well as posting the third and fourth respondents to the post of Revenue Inspector, is under challenge in the present writ petition.

2. The learned counsel for the writ petitioner states that the writ petitioner as well as the third and fourth respondents joined in the post of Junior Assistant on the same date on 26.05.2009. However, the services of the writ petitioner was regularised with effect from 02.06.2009. Thus, the writ petitioner must be placed above the third and fourth respondents in the seniority list. The seniority list was prepared in violation of the date of regularisation of the writ petitioner and therefore, the writ petitioner is deprived of his opportunity to work as Revenue Inspector, which is a pre-requisite qualification for further promotion as per the rules in force. Unless an Assistant served in the cadre of Revenue Inspector for two years, he will not be eligible for further promotion to the post of Deputy Thasildar. This being the pre-requisite qualification, contemplated under the rules, the third and fourth respondents were posted as Revenue Inspector without providing an opportunity to the writ petitioner, based on his date of regularisation.

3. This Court is of the considered opinion that the writ petitioner as well as the third and fourth respondents were recruited through Tamil Nadu Public Service Commission and their appointments were made in accordance with the merit ranking list and as per the rule of reservation. Thus, the seniority is to be fixed with reference to the Tamil Nadu Public Service Commission merit ranking list. The date of regularisation or joining cannot be the criteria for fixation of seniority.

4. In the present case on hand, the petitioner as well as the third and fourth respondents are not facing any impediment like disciplinary proceedings or otherwise, all the three persons are eligible for posting as Revenue Inspector and all of them are eligible and qualifying for the promotion to the post of Deputy Thasildar also. Under these circumstances, the seniority must be fixed with reference to the merit ranking seniority list published by the Tamil Nadu Public Service Commission. This being the rule in force, the list of seniority published by the Tamil Nadu Public Service Commission must be followed for all purposes including grant of promotion to the higher post. In this regard, a counter affidavit filed by the second respondent states that the writ petitioner is one among the 15 candidates selected for appointment as Junior Assistant by direct recruitment to the Karur Revenue Unit in Group IV Services (Special Competitive Examination) 2007 by the TNPSC in vide letter dated 07.05.2009. The seniority of the candidates were arranged in the order in which, the appointment was made by the TNPSC and its details are extracted hereunder:

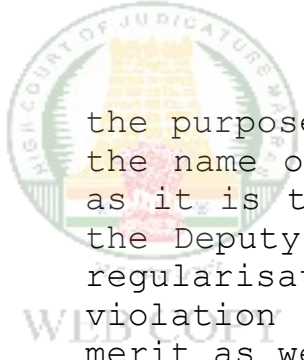


S.No.	Turn/1 st Rotation	Order of Rotation	Name of the candidate
1	1 st turn	G.T. (G)	Banumathi.M.
2	2 nd turn	S.C. (G)	Manivannan.P
3	3 rd turn	MBC/DC (G)	Marudai.M.
4	4 th turn	BC-OBCM (G)	Sumathi.R
5	5 th turn	G.T. (W) (DW)	Danapackiam.K.
6	6 th turn	S.C. (W) (DW)	Soundaravalli
7.	7 th turn	MBC-DC (W) (DW)	Gandhimathi.P
8	8 th turn	BC-OBCM (W) (DW)	Hemalatha.M
9	9 th turn	G.T. (G)	Rajendran.P
10	10 th turn	B.C.OBCM (G)	Anbalagan M.S
11	11 th turn	G.T. (G)	Vairaperumal.M
12	12 th turn	S.C. (G)	Periasamy.T
13	13 th turn	MBC-DC (G)	Chinnasakkiah.R
14	14 th turn	BC-OBCM (G)	Manoharan.R
15.	15 th turn	BC-M (G)	Rahamathullah SM

5.The above said persons appointed by the TNPSC in the order of merit seniority and by following the rule of reservation had joined duty in Karur District Revenue Unit on 29.05.2009, 30.05.2009, 01.01.2009, 02.06.2009 and 03.06.2009 and thus, their services were regularised with effect from the date of joining into Government service. The seniority of the writ petitioner in the present writ petition is in No.13 and the seniority of the third and the fourth respondents are No.2 and 12 respectively, as per the seniority list provided by the TNPSC.

6.It is contended that the seniority of the candidates selected by the direct recruitment is fixed by the TNPSC itself and the date of joining into the service are regularisation is not taken into consideration for seniority. The date of regularisation is taken into account for completion of probation and for grant of increments etc., and not for the purpose of seniority. As such, the details provided in the counter affidavit with reference to the TNPSC seniority list, it is made clear that the writ petitioner is placed in Serial No.13 and he should be considered for posting as Revenue Inspector in the order of his seniority published by the TNPSC. Now, the fourth respondent, who was already posted is in serial No.12 and the next chance is to be provided with reference to the seniority and by following the other rules in force.

7.This being the rules and principles to be considered, it is made clear that the TNPSC seniority list must be followed for



the purpose of granting promotion and for the purpose of including the name of the eligible persons for posting as Revenue Inspector as it is the pre-requisite qualification for further promotion to the Deputy Thasildar. However, the date of joining or the date of regularisation cannot be a point for grant of seniority in violation of TNPSC seniority list already published based on the merit as well as based on the rule of reservation.

8. Accordingly, the case of the writ petitioner is to be considered in accordance with the TNPSC seniority and with reference to the rules in force.

9. With these observations, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Karur, Karur District.

2. The District Revenue Officer,
Karur District, Karur.

+1 CC to M/s. R. PON KARTHIKEYAN, Advocate (SR-72596[F] dated 02/07/2019)

+1 CC to M/s. SPL GP (SR-72739[F] dated 02/07/2019)

NS

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