

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 25.02.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P (MD) No22484 of 2018**

P.Athi Ramalingam

... Petitioner

Vs.

1.The Chief Secretary,
Fort St. George, Secretariat,
Chennai - 9.

2.The Principal Secretary and Commissioner of
Revenue Administration,
Ezhilagam, Chepauk, Chennai.

3.The State of Tamil Nadu,
Rep. by its Secretary, Revenue Department,
Fort St. George, Chennai - 9.

4.The Secretary to Government,
Tamil Nadu Backward Classes and Most Backward
Class Welfare (BCC) Department,
Secretariat, Chennai - 9.

5.The District Collector,
Tuticorin District, Tuticorin.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to consider the representation of the petitioner, dated 01.10.2018 in the light of the order passed by the Supreme Court of India in Civil Appeal Nos.9334, 9335 and 9336 of 2018 arising out of SLP.Nos.5588, 5589 and 7651 of 2006 respectively, dated 11.09.2018 and also direct the fifth respondent to include the petitioner's name in the panel list of Deputy Tahsildar for the year 2018 for Tuticorin District.

For Petitioner : Mr.R.Ramachandran

For Respondents : Mr.C.M.Mari Chelliah Prabhu,
Additional Government Pleader.

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents to consider the representation



of the petitioner, dated 01.10.2018 and also to direct the fifth respondent to include the petitioner's name in the panel list of Deputy Tahsildar for the year 2018 for Tuticorin District.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The learned counsel appearing for the petitioner submitted that the petitioner has applied for Grade - II services included in the combined Subordinate Services Examination - I and has been selected provisionally for the post of Assistant in Revenue Department. The fifth respondent by proceedings, dated 07.12.2008, appointed the petitioner as Junior Assistant in the Revenue Department and subsequently, he has been promoted upto the level of Revenue Assistant and now he is serving as Revenue Assistant. In the meanwhile, the Registration Department Backward Class Association challenged the promotion panel for the year 1997-98 and it went upto Supreme Court in civil appeal Nos.9334, 9335 and 9336 of 2018 arising out of SLP.Nos.5588, 5589 and 7651 of 2006, in and by which, the Supreme Court set aside the rules of reservation held by the High Court. Based on the order of the Honourable Supreme Court, the fifth respondent is taking all the steps to release the temporary list of Deputy Tahsildar for the year 2018. In this regard, the petitioner sent representation on 01.10.2018 to include his name in the panel for promotion to the post of Deputy Tahsildar in the light of the order of the Supreme Court as cited above. Since the same has not been considered by the respondents so far, the petitioner has come up with the present Writ Petition.

4. The learned Additional Government Pleader appearing for the respondents submitted that the petitioner's representation would be considered within the time frame fixed by this Court.

5. In such view of the matter, the respondent concerned is directed to consider the representation of the petitioner, dated 01.10.2018 seeking inclusion of his name in the panel list and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CO)

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To

1.The Chief Secretary,
Fort St. George, Secretariat,
Chennai - 9.

2.The Principal Secretary and Commissioner of
Revenue Administration,
Ezhilagam, Chepauk, Chennai.

3.The State of Tamil Nadu,
Rep. by its Secretary, Revenue Department,
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5.The District Collector,
Tuticorin District, Tuticorin.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.49933

W.P (MD) No.22484 of 2018
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PK/15.04.2019 : 3P/7C