



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Fifth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR

WMP(MD) No.13727 of 2019

IN

WP(MD) No.8706 of 2019

1 T.V.RAMESH
2 P.NALALSIVAN
3 M.SANKARANARAYANAN
4 S.SELVAPRASAD
5 M.RAMACHANDRAN

... PETITIONERS/PETITIONERS

Vs

1 THE STATE OF TAMIL NADU
REP BY ITS SECRETARY TO GOVERNMENT,
REVENUE AND DISASTER MANAGEMENT, DEPARTMENT SERVICE
WING (SER.3(2) SECTION, FORT ST.GEORGE, CHENNAI

2 THE ADDITIONAL CHIEF SECRETARY/
COMMISSIONER OF REVENUE ADMINISTRATION,,
CHEPAUK, CHENNAI

3 THE DISTRICT COLLECTOR,
THOOTHUKUDI DISTRICT.

... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to recall the order dt.9.7.2019 in WMP.No.6771/2019 in WP(MD). No.8706/2019 in so far as Para No.2 of the order stating that "if any promotion made by the Respondent Department in pursuance of the impugned order it shall be subject to the outcome of the final orders to be passed in the WP pending disposal of the above WP.

Prayer in WP(MD). 8706/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent pertaining to G.O.Ms.No.87, Revenue and Disaster Management Department, Services Wing (Ser.3(2)) Section dated 06.03.2019 and quash the same in so far as the said GO in para 4 has directed the Additional Chief Secretary / Commissioner of Revenue Administration to take necessary action to get the temporary panel of Deputy Tahsildar redrawn from the year 2004 to 2018 by providing reservation to the Backward class and Most Backward Class/DNC



candidates along with Schedule Caste and Schedule Tribe Candidates as per rules and consequently issue a direction to the 1st Respondent to implement the decision of the Hon'ble Supreme Court of India in Civil Appeal Nos.9334 of 2018 etc., dated 11.09.2018 with prospective effect from the date of the judgment by drawing the temporary panel of Deputy Tahsildar from the year 2018-2019 by providing reservation to the Backward Classes and Most Backward Class/DNC candidates along with Schedule Caste and Schedule Tribe candidates for the post of Deputy Tahsildar as per Rule 22 of the Tamil Nadu State and Subordinate Service Rules read with the specific provisions of rule 6 of the Tamil Nadu Revenue Subordinate Service Rules.

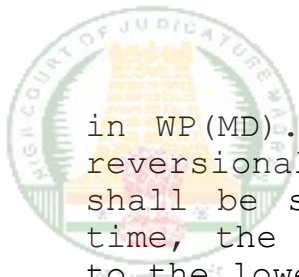
ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.S.KARTHIK, Advocate for the petitioners and of Mr. Ayiram K.Selvakumar, Advocate, on behalf of the Respondents in WMP(MD)No.13727 of 2019 in WP(MD)No.8706 of 2019 and Mr.G.Prabhu Rajadurai, Advocate for the impleading petitioner in WMP(MD)No.9949 of 2019 in WP(MD)No.8706 of 2019 and Mr.Veera Kathiravan, Senior Counsel for M/S. Veera Associates for impleading petitioner in WMP(MD)No.9988 of 2019 in WP(MD)No.8706 of 2019, the court made the following order:-

This petition has been filed to recall the order dated 09.07.2019, made in WMP(MD).No.6771 of 2019 in WP(MD).No.8706 of 2019 in so far as Para No.2 of the order stating that if any promotion made by the respondent Department in pursuance of the impugned order it shall be subject to the outcome of the final orders to be passed in the Writ Petition pending disposal of the above Writ Petition.

2. The learned Senior Counsel appearing for the petitioner submitted that, in similar circumstances, this Court has passed a detailed order on 30.07.2019 in WMP(MD).Nos. 13460 to 13462 of 2019 in WP(MD).No.11557 of 2019, modifying the interim order passed by this Court dated 08.05.2019, made in WMP(MD).No.8817 of 2019 in WP(MD).No.1157 of 2019, wherein at paragraph Nos.7 and 8 it has been held as follows:

7. Both the learned counsel appearing for the parties represented before this Court that the connected Writ Petitions in WP.No.14853 and 14869 of 2019 are pending before this Principal Bench of this Court and the same are likely to be taken up for hearing on 06.08.2019. Therefore, it is for the parties concerned to move the Registry, for clubbing all the matters together and taken up for final disposal.

8. In view of the above said fact, the interim order already granted by this Court, dated 08.05.2019 in WMP(MD).No.8817 of 2019



in WP(MD).No.11557 of 2019 is modified to the effect that if any reversional Promotion Panel is prepared by the respondents 2 to 4, shall be subject to the outcome of the Writ Petition. Till such time, the first respondent / Writ Petitioner shall not be reverted to the lower post.

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3. The learned Senior Counsel appearing for the petitioner further submitted that the facts of the present case also similar in nature and therefore, similar interim order also to be passed in the present case on hand also.

4. In the light of the above, the interim order already passed by this Court in WMP(MD).No.6771 of 2019 in WP(MD).No.8706 of 2019, dated 09.07.2019 is modified to the effect, if any revisional promotion panel is prepared by the respondents, shall be subject to the outcome of the Writ Petition. Till such time, the Writ Petitioners shall not be reverted to the lower post pending disposal of the Writ Petition.

5. It is for the parties concerned to move the Registry, for transferring the matter to the Principal Bench of this Court, to be heard along with W.P.Nos. 14853 and 14869 of 2019.

6. Accordingly, this Petition is ordered.

sd/-

05/08/2019

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SECRETARY TO GOVERNMENT, STATE OF TAMIL NADU
REVENUE AND DISASTER MANAGEMENT,
DEPARTMENT SERVICE WING (SER.3(2) SECTION, FORT ST.GEORGE,
CHENNAI
- 2 THE ADDITIONAL CHIEF SECRETARY/
COMMISSIONER OF REVENUE ADMINISTRATION, CHEPAUK, CHENNAI
- 3 THE DISTRICT COLLECTOR, THOOTHUKUDI DISTRICT.

+1. C.C. to M/S.S.KARTHIK Advocate SR.No.12898

+1. C.C. to M/S.VEERA ASSOCIATES, SR.No.12971

+1. C.C. to M/S.G.PRABHU RAJADURAI, SR.No.12945

ORDER IN

WMP(MD) No.13727 of 2019

IN

WP(MD) No.8706 of 2019

Date :05/08/2019

AM/PN/SAR-1/30.08.2019/3P-7C

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