

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 29.07.2019****CORAM:****THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM****W.P. (MD) Nos. 11832 and 11833 of 2014****and****M.P. (MD) Nos. 1 and 1 of 2014**

R.K. Pushparajan ... Petitioner in W.P. (MD) No. 11832 of 2014
R. Chinnadurai ... Petitioner in W.P. (MD) No. 11833 of 2014

-Vs-

The District Collector,
Virudhunagar District,
Virudhunagar.

... Respondent in both W.Ps.

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent not to disturb the present list of Tahsildar for Virudhunagar District by way of adding or including Non-Graduate Assistants in the Tahsildar panel for the year 2013 drawn vide his proceedings in A1/Pd1.503/2013, dated 01.11.2013.

For Petitioner : Mr. T. Lajapathi Roy
(in both Writ Petitions)
For Respondent : Mr. D. Muruganantham,
(in both Writ Petitions) Additional Government Pleader.

COMMON ORDER

The learned counsel appearing on behalf of the writ petitioners as well as the learned Additional Government Pleader appearing on behalf of the respondent made a submission that the issues raised in the present Writ Petitions were adjudicated by the Hon'ble Supreme Court of India in Civil Appeal Nos. 251-256 of 2015 and a judgment was delivered on 12.03.2019 and the relevant paragraph of the judgment is extracted hereunder:-

"19. In the result, the impugned judgment of the High Court is set aside and these appeals are allowed with the following observations and directions:-

(i) Promotions of the Direct recruit Assistants effected between 07.02.1995 and 08.04.2009 and their seniority in their respective positions as on date, shall not be disturbed;

(ii) The benefit extended to the graduate promotee Assistants by placing them on par with Direct recruit Assistants is to be given effect to prospectively from the date of judgment of this Court dated 08.04.2009 rendered in the case of M. Rathinaswami V. State of T.N., reported in



(2009) 5 SCC 625;

(iii) After 08.04.2009, the promotion to the post of Deputy Tahsildar from its feeder category, i.e., Direct recruit Assistants and Promotee graduate Assistants, shall be strictly in accordance with the judgment of this Court referred above, i.e., treating Promotee graduate Assistants on par with Direct recruit Assistants. Such promotion shall be given effect to, without reference to any interim order(s) passed by the High Court;

(iv) If any panels are prepared, and promotions are given, after 08.04.2009 for promoting the Assistants to the post of Deputy Tahsildars in Tamil Nadu Revenue Subordinate Service contrary to the judgment of this Court dated 08.04.2009, such panels and promotions have to be revised so as to bring in conformity with the judgment of this Court referred above;

(v) By virtue of the judgment of this Court dated 08.04.2009, referred above, Promotee graduate Assistants are placed on par with Direct recruit Assistants. So far as Promotee non-graduate Assistants are concerned, the amended rule holds the filed, which gives preferential treatment to Direct recruit Assistants, over Promotee non-graduate Assistants;

(vi) Promotee non-graduate Assistants, who are impleaded as party respondents in these appeals, are not entitled to any directions in their favour, as much as, all these appeals are preferred by Direct recruit Assistants;

(vii) While implementing the above directions, if the seniority and promotion, of the persons who are already retired or dead, is affected in any manner, payments made on account of such seniority and promotion earlier granted to them during the interregnum period, i.e., from 08.04.2009 till this date shall not be recovered.

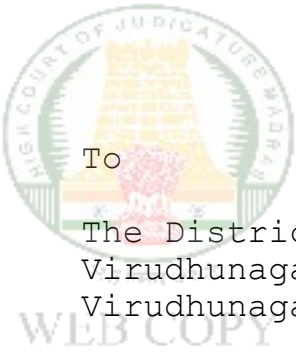
(viii) So far as Promotee non-graduate Assistants are concerned, it is open for them to pursue with the Government for appropriate amendment to the Rules, in which event we keep it open to Government to consider such request on its own merits."

2. In view of the fact that the Hon'ble Supreme Court of India had adjudicated the issues and delivered a judgment, no further adjudication is required in the present Writ Petitions and accordingly, these Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //



To

The District Collector,
Virudhunagar District,
Virudhunagar.

+2 CC to M/s.T.LAJAPATHI ROY, Advocate SR-78393, 78392
+1.CC. To Spl Gp., in SR No.78463

W.P. (MD) Nos.11832 and 11833 of 2014
29.07.2019

MYR

MK (09.08.2019) 3P 5C