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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.11.2019
CORAM:
THE HONOURABLE MS.JUSTICE V.M.VELUMANI
W.P.(MD) No.20179 of 2019

A.Karpagam ... Petitioner

-Vs-

1.The Additional Chief Secretary and
Secretary to Government,
Revenue Department,
Secretariat,
Chennai-600 009.

2.The Additional Chief Secretary and
Commissioner of Revenue Administration,
Ezhilagam,
Chepauk,
Chennai-600 005.

3.The District Collector,
Dindigul District,
Dindigul. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent i.e., the Commissioner of Revenue Administration, Chennai to send amended proposals to the Government for inclusion of the petitioner's name in the approved list of Deputy Tahsildars of the year 2007 as called for by the Government in Letter No.21288/gzp-3 (2)/2017-8 ehs;.30.04.2019 within a specified time frame and the Government to pass appropriate orders within a specified time frame as per the orders already issued by this Hon'ble Court in W.P.(MD) No.964 of 2009 dated 29.08.2012.

For Petitioner : Mr.S.Visvalingam
For Respondents : Mr.C.M.Marichellaiah Prabhu,
Additional Government Pleader

ORDER

This Writ Petition is filed for a direction to the second respondent to send amended proposals to the Government for inclusion of the petitioner's name in the approved list of Deputy Tahsildars for the year 2007 and to pass appropriate orders within a specified time frame as per the orders already issued by this Hon'ble Court in W.P.(MD)No.964 of 2009, dated 29.08.2012.

2. The petitioner was appointed as Assistant (Probationary Assistant) and she joined duty on 07.09.2001 in Dindigul District Revenue Unit. She has completed more than 6 years of service in the

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cadre of Assistant and at present, she is working as Magisterial Sharishtadar, in the cadre of Tahsildar. The panel for promotion to the post of Deputy Tahsildar was prepared for the year 2007 on 15.09.2007. There was a shortage of 36 days for the petitioner to complete the training in the Collector Office. The petitioner's name was not included in the panel for the year 2007 to be promoted as Deputy Tahsildar. The petitioner gave a representation for exemption of 36 days training in the Collectorate. The petitioner worked in Taluk Office and underwent training for one year and eight months. She underwent training for excessive period of eight months. The petitioner sought exemption of shortage of 36 days in undergoing training in Collector Office. Therefore, the petitioner filed a writ petition in W.P(MD)No.4167 of 2008. This Court, by order dated 29.04.2008, directed the respondents therein to consider the representation of the petitioner. The first respondent rejected the representation of the petitioner. Challenging the said order of rejection, the petitioner has filed a writ petition in W.P(MD)No.964 of 2009. This Court, by order dated 29.08.2012, quashed the said order of rejection and directed the respondents therein to include the name of the petitioner in the panel for promotion for the year 2007.

3.Mr.C.M.Marichellaiah Prabu, learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the petitioner's request for including his name in the panel for promotion for the year 2007 is under consideration and on or before 30.11.2019, her name will be included in the panel for promotion for the year 2007.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

5. From the materials on record, it is seen that when the petitioner sought for inclusion of her name in the panel for promotion as Deputy Tahsildar for the year 2007, this Court by order dated 29.08.2012, in W.P(MD)No.964 of 2009 directed the respondents therein to include the name of the petitioner in the panel for promotion to the post of Deputy Tahsildar for the year 2007. The relevant portion of the order dated 29.08.2012, in W.P(MD)No.964 of 2009, reads as follows:-

> *"5. Accordingly the order impugned is set aside and the respondents are directed to include the name of the petitioner in the approved list of Deputy Tahsildars, Dindigul District for the year 2007. It is made clear that the petitioner shall not be entitled for the monetary benefits. Her services will have to be reckoned as per seniority in the feeder category. The said exercise will have to be considered within six weeks from the date of receipt of a copy of this order."*

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6. The first respondent, by letter dated 30.04.2019, called upon the second respondent to send the amended proposal. So far, the second respondent has not sent the amended proposal. The learned Additional Government Pleader appearing for the respondents submitted that the request of the petitioner is under consideration. The failure on the part of the respondents to include the name of the petitioner in the panel for the promotion to the post of Deputy Tahsildar for the year 2007 is disobeying the order of this Court, dated 29.08.2012. In view of the earlier order of this Court dated 29.08.2012, the second respondent is directed to send the amended proposal for the year 2007 as called for by the Government as per the letter dated 30.04.2019, within a period of two weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is allowed. No costs.

Sd/-

Assistant Registrar (crl side)

// True Copy //

Sub Assistant Registrar(CS)

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To

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Revenue Department,
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Chennai-600 009.

2.The Additional Chief Secretary and
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Chepauk,
Chennai-600 005.

3.The District Collector,
Dindigul District,
Dindigul.

+1 CC to Mr.S.VISVALINGAM, Advocate (SR-96895[F] dated 08/11/2019)
+1 CC to SPL GP (SR-97290[F] dated 11/11/2019)

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07.11.2019

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