

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2020

CORAM

THE HONOURABLE MR.JUSTICE P. VELMURUGAN

W.P. No. 6916 of 2007

U. Kaliyaperumal

... Petitioner

-vs-

1. The State of Tamil Nadu,
Represented by the Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 9.
 2. The Principal Commissioner and
Commissioner for Revenue Administration,
Ezhilagam,
Chepauk,
Chennai - 5.
 3. The District Collector,
Tanjore.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the third respondent in connection with the order passed by him in his Proceedings Na.Ka.No.40288/2001 A.5 dated 01.07.2002 and quash the same and direct the respondents to include the name of the petitioner in the panel of Deputy Tahsildar in the appropriate place for the year 1992 and consequently give all monetary and service benefits.

For Petitioner :Mr. M. Thamizhavel

For Respondents :Mr. P. Chinnadurai
Additional Government Pleader

O R D E R

The petitioner has filed the Writ Petition directing the respondents to include the name of the petitioner in the panel of Deputy Tahsildar in the appropriate place for the year 1992 and consequently give all monetary and service benefits.

2. The facts of the case is that, the petitioner was selected for appointment to the post of Amin by direct recruitment on merits and he joined service as Amin in Judicial Department. Then he was selected for appointment to the post of Junior Assistant through the Tamil Nadu Public Service Commission on merits and joined service on the afternoon on 25.06.1976 and attained his probation in that cadre on the afternoon on 19.12.1979 and he qualified himself for higher promotions in the year 1986 and completed the survey training on 24.02.1988. Subsequently, he was appointed as Special Temporary Assistant with effect from 25.02.1988 as per District Revenue Officer's order No. 31749/81 A6 dated 16.05.1989 and his name was included in the panel of Assistants for the year 1988 and he was promoted as Assistant on 27.04.1988.

3. Accordingly, the petitioner has put in a total service of 4 years 6 months and 18 days in the post of Special Temporary Assistant. Further, he has put in a service of 1 year 5 months and 24 days in the post of Revenue Inspector and 2 years 4 months and 15 days in the post of Assistant. The eligibility is two years of service in the post of Revenue Inspector and two years of service in the post of Assistant required for promotion to the post of Deputy Tahsildar. However, in the result, his name was not included in the panel of Assistants in the year 1987 and the reason pointed out is that his acquiring further qualification for the post of Deputy Tahsildar was delayed.

4. The petitioner has made a representation dated 04.11.1992 to the Principal Commissioner and Commissioner for Revenue Administration and again he has made an appeal dated 03.06.1997 to the Government and the Government has negatived his request for no acceptable reasons.

5. The rejection of the petitioner's request for the inclusion of his name in the panel for the year 1992 of the Deputy Tahsildar is nothing but arbitrary and unreasonable. Hence, he filed the present Writ Petition with the aforesaid prayer.

6. The learned counsel appearing for the petitioner would submit that, petitioner's name should have been included in the

panel for promotion to the post of Deputy Tahsildar and since the petitioner was not sent for survey training earlier occasions, the delay has occurred and it is not a fault on the part of the petitioner. The petitioner also referred to one Saroja, who has also not completed two years service in the Assistant post and she has also not passed the test on the crucial date for promotion. Therefore, the order of rejection made by the respondents has to be set aside and the petitioner should be considered and promoted as Deputy Tahsildar from 1992.

7. The learned Additional Government Pleader appearing for the respondents would submit that, the petitioner has applied for inclusion of his name in the list of Deputy Tahsildars for the year 1992, but, he was not technically qualified for the inclusion of his name in the list of Deputy Tahsildars for the year 1992 on the following grounds:

(i) On the crucial date of 15.09.1992 for the panel year 1992, he had not completed 2 years of service in the category of 'Assistant' as stipulated in the Tamil Nadu Revenue Subordinate Service Rules.

(ii) He had not completed 2 years of 'Revenue Inspector' tenure on the crucial date.

(iii) He had not passed the Survey and Maintenance Test. Hence, the petitioner's name was not taken up for consideration for the panel year 1992. Though he had applied for inclusion of his name in the panel for the year 1992, and after relaxing the relevant rules on various frivolous grounds, his name cannot be considered in the panel. Therefore, the rejection order passed by the respondents is with valid reasons. On the crucial date, the petitioner did not fulfill the required eligible criteria, therefore, his name cannot be included in the panel of Deputy Tahsildars. Further he submitted that, Saroja has been promoted as Assistant in the post of Assistant on 28.05.1992 i.e., on the crucial date, already she completed 2 years and she was working as Revenue Inspector for more than two years and completed her service on 23.08.1992 and has also passed in revenue test. Therefore, the petitioner cannot be equated with the Saroja and there is no discrimination of promoting the juniors and since the petitioner was not possessed with the eligible criteria to promote as Deputy Tahsildar, his name has not been included in the panel.

8. I have considered the said submissions made by both parties and perused the materials placed before this Court.

9. Admittedly, the petitioner was appointed in the Revenue Department and worked in various posts and he has not completed two years of service as Revenue Inspector on the crucial date and he has also not passed the Survey and Maintenance Test. Though, based on the seniority, his name was found in the panel,

since he has not completed the eligible criteria, he was not promoted and therefore he cannot state that he is also placed on the same footing like Saroja who possess eligible criteria and been promoted. Further, the petitioner has no proof to show that, the respondents discriminately promoted other persons and Juniors to the petitioner, those who do not possess prescribed eligible criteria.

10. The learned Additional Government Pleader appearing for the respondents has stated in the counter affidavit that, on the crucial date of 15.09.1992 for the panel year 1992, he had not completed 2 years of service in the category of 'Assistant' as stipulated in the Tamil Nadu Revenue Subordinate Service Rules and he had not completed 2 years of 'Revenue Inspector' tenure on the crucial date and not passed the Survey and Maintenance Test. Therefore, the petitioner is not able to prove that, he has completed all the above fulfilled criteria.

11. Therefore, this Court do not find any merits in the Writ Petition and is liable to be dismissed. Accordingly, this Writ Petition is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
The State of Tamil Nadu,
Revenue Department,
Secretariat, Chennai - 9.
2. The Principal Commissioner and
Commissioner for Revenue Administration,
Ezhilagam,
Chepauk, Chennai - 5.
3. The District Collector,
Tanjore.

+1cc to M/s.M.Thamizhavel, Advocate Sr.40355
+1cc to the Government Pleader Sr.40739

W.P. No. 6916 of 2007

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