

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.11.2020

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27194 of 2013
and
M.P.Nos.1 of 2013 & 2 of 2015

1 R.S.RAJAN
2 J.SHRIKITHRA
3 S.THANGAVEL
4 B.LATHA
5 V.VASUKI
6 N.RAJKUMARI
7 D.SWAMINATHAN
8 C.SENTHAMIL CHELVAN
9 R.JANARTHANAM
10 M.LOGANATHAN
11 J.RAVICHANDRAN
12 E.ARULSAMY
13 N.SEKAR
14 R.RAVINDRANATH
15 R.KAVITHARANI
16 MOHAMMED SADHIQUE ...Petitioners

vs.

1.The Secretary to Government
Commercial Taxes and Registration (H)
Department, Fort St. George,
Chennai 600 009.

2.The Inspector General of Registration,
Santhome High Road, Chennai.

3.The Personal Assistant (General)
office of the Inspector General of
Registration, Santhome High Road,
Chennai.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to revise and refix the seniority of the writ petitioners by placing them above Promotee Sub Registrars Grade II who were regularized subsequent to their appointments in the light of the principles laid down by the Hon'ble Supreme Court

in Madalaimuthu Case reported in 2006(6) SCC 558 as implemented by the respondents in their proceedings No.32551/ A3/2011 dated 14.10.2011 and consequently direct the respondents to make promotions to higher grade of Assistant Inspector General of Registration and above based on such revised seniority.

For Petitioner : M/S.V.Vijay Shankar
For Respondent(s):Mr.P.Purshothaman, GA

ORDER

This writ petition has been filed by the petitioners, to direct the respondents to revise and re-fix the seniority of the writ petitioners by placing them above Promotee Sub Registrars Grade II who were regularized subsequent to their appointment in the light of the principles laid down by the Honourable Supreme Court in Madalaimuthu Case reported in 2006 (6) SCC 558 as implemented by the respondents in their proceedings No.32551/ A3/2011 dated 14.10.2011 and consequently direct the respondents to make promotions to higher grade of Assistant Inspector General of Registration and above based on such revised seniority.

2.The case of the petitioners is that they appeared for examination during the year 1993-94 conducted by the Tamil Nadu Public Service Commission for Recruitment as Sub Registrar Grade II and on being successful they were appointed and joined duty in September 1995. After clearing their probation period, they were all promoted as Sub Registrar Grade I and further got promotion as District Registrar in the year 2010 and all are working in this capacity at present. While so the Hon'ble Supreme court of India passed an order dated 04.07.2006, reported in (2006) 6 SCC 558 in K.Madalaimuthu and Another Vs. State of T.N., and Others., pertaining to the Respondent department. The Hon'ble Supreme Court laid down that seniority of Promotees would be reckoned from the date of regularization and not initial temporary appointment. In order to avail such benefits, the petitioners made several representation to the respondents to implement the order of in Madalaimuthu's case (supra) for re-fixing their seniority and since no orders have been passed on the said representation the present petition has filed petition with the above said prayer.

3.Learned counsel for the petitioners submitted that during the pendency of the writ petition, the 2nd respondent issued proceedings dated 16.12.2013 and and implemented the directions in Madalaimuthu's case. However, the same has been implemented only insofar as initial category and not the subsequent higher

category. Therefore, it is prayed that this Court may close this petition as infructuous with liberty to the petitioners to submit a detailed representation for fixing their seniority in respect of higher category.

4. On the above contention, this Court heard the learned Government Advocate appearing for the respondents, submitted that the prayer made in the present writ petition has already been decided and disposed of by this Court order dated 11.08.2017 made in WP.No.2795 of 2018 and W.MP.NO.3448 of 2018 dated 09.02.2018. However, he has no serious objection for a direction as sought for by the petitioner being issued.

5. Though the prayer in the present petition has become infructuous and further the prayer has also been decided by this Court in WP.No. WP.No.2795 of 2018, however, while dismissing the present petition as infructuous, the petitioners are permitted to make a further representation for fixing their seniority in the higher category and on receipt of such representation, the respondents are directed to consider and pass appropriate orders thereon in accordance with law, as expeditiously as possible. There shall be no order as to costs.

6. With the above said direction, this writ petition stands dismissed. However there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VII)

// True Copy//

Sub Assistant Registrar

jrs

To

1. The Secretary to Government
Commercial Taxes and Registration (H)
Department, Fort St. George,
Chennai 600 009.

2. The Inspector General of Registration,
Santhome High Road, Chennai.

3.The Personal Assistant (General)
office of the Inspector General of
Registration, Santhome High Road,
Chennai.

+1cc to Mr.V.Vijay Shankar, Advocate, SR.No.37027

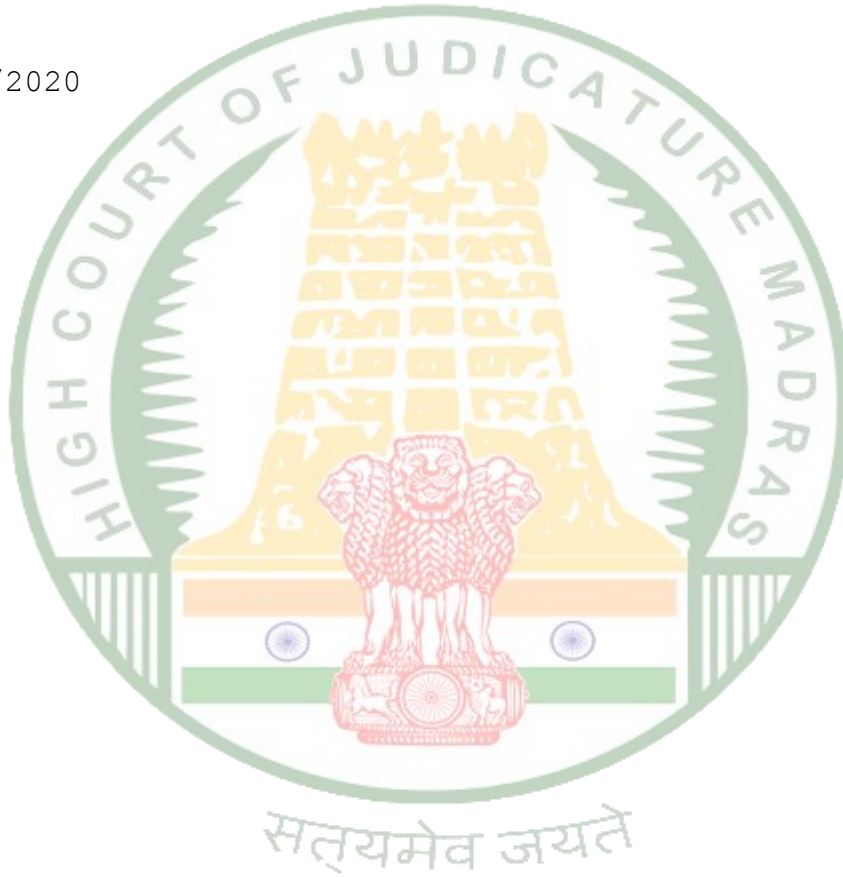
+1cc to Government Pleader, SR.No.37178

W.P.No.27194 of 2013

and

M.P.Nos.1 of 2013 & 2 of 2015

SSI (CO)
KKV/14/12/2020



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