

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :14.09.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 28728 OF 2013

V.Santhakumari

.. Petitioner

- Vs -

1.The Secretary to Government,
Commercial Taxes and Registration Department,
Fort St. George, Chennai.

2.The Inspector General of Registration,
Santhome, Chennai 28.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to include the petitioner name in the revised Seniority list of Sub Registrar, Grade I for the year 2005-06 ad promote the petitioner as District Registrar on par with her junior for the year 2009-10 in appropriate place and grant all consequential service and monetary benefits.

For Petitioner : Mr.Manikandan for
M/S.S.Sivakumar

For Respondents: Mr.T.M.Papiah, Spl.G.P.

ORDER

This petition has been filed by the petitioner to direct the respondents to include the petitioner name in the revised Seniority list of Sub Registrar, Grade I for the year 2005-06 ad promote the petitioner as District Registrar on par with her junior for the year 2009-10 in appropriate place and grant all consequential service and monetary benefits.

2.According to the petitioner, the petitioner entered in service as Junior Assistant in the year 1978 in the Registration Department and thereafter promoted as Assistant in the year 1994 and subsequently, promoted as Sub Registrar Gr.II in the year 2008 and SRO Gr.I in the year 2010 and retired as on 31.01.2013. It is the further case of the petitioner that as

per the revised seniority list, the petitioner is entitled for appointment by way of promotion as Sub registrar Grade II from 07.12.1998. Accordingly the 2nd respondent has considered the petitioner's name and promoted the petitioner from that date onwards and fixed the seniority as "9(Y)" by an order dated 07.07.2011. In view of the above re fixation the petitioner is entitled for the further up gradation as SRO Grade-I for the year 2005-06. However, in the order issued by the respondent on 07.02.2013 the petitioner's name was not found and one Sundaramoorthy, her junior and others were found in Serial No.13 to 28 in the list. Thereafter the petitioner has come to know that the promotion was not granted in favour of the petitioner on the ground of punishment of censure imposed on the petitioner vide order of the 1st respondent in G.O.No.229 dated 16.05.2007. It is the contention of the petitioner that censure is not a punishment and check period as fixed in the G.O.Ms.No.368 has been quashed by this court. In order to avail the benefit the petitioner made a representation on 08.03.2013, requesting for grant of promotion, and the same is pending without any progress. Hence the present petition.

3. Learned counsel while reiterating the submissions as advanced in the grounds submitted that G.O. Ms. No.368 on which reliance has been placed by the respondents to deny the promotion of the petitioner has been quashed by the Full Bench of this Court in 2011 (3) CTC 129 and, in view of the above legal position, the petitioner having retired from service on 31.01.2013, her case has to be considered for notional promotion along with other consequential and other benefits. In this regard, the petitioner has submitted a representation to the 1st respondent and, therefore, this Court may direct the 1st respondent to consider the petitioner's representation dated 08.03.2013, and pass orders thereon within a reasonable time as fixed by this Court.

4. Learned Special Government Pleader appearing for the respondents submitted that the petitioner's representation will be considered in accordance with law on merits.

5. This Court heard the submissions made by both side learned counsel as well as perused the materials available on record.

6. The facts in the present case are not in dispute. Equally there is no dispute about the fact that G.O. Ms. No.368 relating to check in period has been quashed by the Full Bench of this Court in Rani's case (supra). Further, in view of the limited relief sought for, this Court without going into the merits of the issue is inclined to issue a direction to the 1st respondent to consider the petitioner's representation dated

08.03.2013, in accordance with law, within a period of 3 months from the date of receipt of a copy of the representation along with a copy of this order. For ready reference, petitioner is direct to send the copy of this order along with the copy of her representation within a period of two weeks from the date of receipt of a copy of this order so as to enable the respondent to pass order.

7. With the above direction, this writ petition is disposed off. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

jrs

To

1. The Secretary to Government,
Commercial Taxes and Registration Department,
Fort St. George, Chennai.
2. The Inspector General of Registration,
Santhome, Chennai 28.

+lcc to Mr.R.Sivakumar, Advocate, S.R.No. 30024

+lcc to the Government Pleader, S.R.No. 30074

W.P. NO.28728 OF 2013

MR (CO)

GN (15/10/2020)

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