IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2020

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.A.Nos.1099 & 1100 of 2020
and
C.M.P.Nos.13434 & 13436 of 2020

Kalpana ... Appellant in W.A.1099/2020
M.Rasappan ... Appellant in W.A.1100/2020

Vs.

1. A.Jaisankar
2. S.Thirumaran
3. S.Anbazhagan
4. L.Shanthakumari
5. P.Arulmurugan

6. State of Tamil Nadu, rep. by its Secretary to Government, Backward Classes and Most Backward Classes Welfare Department, Fort St. George, Chennai 600 009.

7. The Secretary to Government, Commercial Taxes & Registration Department, Fort St. George, Chennai 600 009.

8. The Inspector General of Registration Chennai 600 028.

9. D.T.Boopathy, District Registrar/Chit Arbitrator, Coimbatore.

10. V.Prakash, District Registrar (Audit), Erode.

11. D.Lingeswaran, Sub-Registrar in the Cadre of District Registrar, Uralyur, Trichy. ... Respondents 1 to 11 in both Appeals

12. Kalpana
District Registrar (Audit),
Tindivanam. Respondent No.12 in WA 1100/2020

13. C.Shanmugam,
District Registrar (Audit),
Dharmapuri.

14. A.C.Malar,
District Registrar (Audit),
Villupuram.

15. R.Valarmathi,
District Registrar (Admin),
Dharmapuri. Respondents 12 to 14 in WA 1099/2020/
Respondents 13 to 15 in WA 1100/2020

Prayer: Writ Appeals filed under Clause 15 of the Letters Patent against the order dated 10.9.2020 in W.P.No.14869 of 2019 passed by this court.

WP No.14869 OF 2019: Calling for the entire records relating to the Impugned G.O.No.(Ms) No.25 dt 12.02.2019 and G.O.(Rt) No.72 dt 12.02.2019 issued by the Commercial Taxes and Registration (H) Departmental/2nd respondent herein quash the same and consequently forbear the respondents 2 and 3 from making any further promotion to the post of District Registrars without implementing or Revising Respondent-drawing and Respondent-fixing the panel of the Sub Registrars Grade II from the year 1997-1998 to the till date in accordance with the Rule 5 of Special Rules of Tami Nadu Registrar Subordinate Service Rules i.e. following the Rules of Reservation and as per the Judgment of the Honourable Apex Court of India delivered in Civil Appeal.

For Appellants: Mr.M.Ravi

For the State:Mr.J.Pothiraj, Special Government Pleader

COMMON JUDGMENT

(Judgment of the court was made by Dr.VINEET KOTHARI, J.)

Learned counsel for the Appellant Mr.M.Ravi has submitted that the controversy involved in the present Appeal is squarely covered by the decision of the Division Bench of this court headed by Hon'ble Chief Justice by order dated 29.10.2020 in W.A.(MD) No.961 of 2020 (S.Sivaraman and others v. Secretary to Government, Department of Revenue, Disaster Management Chennai and others).

2. Para 10 of the order passed by the Division Bench is quoted below for ready reference:-

> “10. We, therefore, do not find any justification for the writ petitions to have been adjourned sine die after vacating the interim order in the matter of Revenue Department, when the interim order passed in respect of the Registration Department indicates otherwise. It is evident from the judgment of the Apex Court that promotion to the post of Deputy Tahsildar (Revenue Department), Assistant Commercial Tax Officer (Commercial Tax Department) and the Sub Registrar Grade II (Registration Department) are all to be governed by the said decision. This conflict, therefore, can be in our opinion resolved with a request to the learned Single Judge to decide both the matters simultaneously keeping in view the legal issues pertaining to the challenge raised to G.O.(Ms.) No.87, Revenue and Disaster Management Department, Services Wing, [Ser.3(2)] Section, dated 6.3.2019, and we therefore dispose of this writ appeal with a request to the learned Single Judge to dispose of all the matters simultaneously."

3. Since under the said order impugned before us passed by the learned Single Judge on 10.9.2020 in W.P. (MD) Nos.12395, 11557, 14853, 14869 of 2019 and 2239 of 2020 a direction was given to complete the process as undertaken by the learned Advocate General on or before 30th November 2020, the learned counsel for the Appellants submits that the revision of panels may be contrary to the directions of the Division Bench as quoted above and therefore, same treatment should be given to all the 3 respective Departments viz., Revenue Department, Registration Department and Commercial Taxes Department with respect to G.O.87 Revenue and Disaster Management Department, Services Wing, [Ser.3(2)] Section, dated 6.3.2019 and other G.Os. for other Departments also in terms of the Division Bench Judgment.

4. There is no serious dispute to this from the learned Special Government Pleader appearing for the Respondent/State.

5. We are also of the opinion that the letter and spirit of para 10 of the order passed by the Division Bench of Court Hall No.1 deserves to be followed in all the 3 respective Departments

in respect of the controversy involved in the issue. Therefore, the present Appeals are disposed of in the same terms. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. State of Tamil Nadu, rep. by its
   Secretary to Government,
   Backward Classes and Most
   Backward Classes Welfare Department,
   Fort St. George, Chennai 600 009.

2. The Secretary to Government,
   Commercial Taxes & Registration
   Department,
   Fort St. George, Chennai 600 009.

3. The Inspector General of Registration
   Chennai 600 028.

+1cc to the Government Pleader, S.R.No.41081

W.A.Nos.1099 & 1100 of 2020

(CO)
rv(27/01/2021)