



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.11568 & 11574 of 2020

and W.M.P. (MD) Nos.10082 & 10086/2020

(Through Video Conferencing)

K.Raja

... Petitioner in
W.P.(MD) No.11568

R.Kannan

... Petitioner in
W.P.(MD) No.11574

Vs.

1.The Government of Tamil Nadu
Rep. by the Secretary,
Revenue Disaster Management Department
Fort St. George,
Chennai 600 009.

2.The Principal Secretary/The Commissioner
of Revenue Department
Ezhizhagam Building
Chennai - 600 005.

3.The District Collector,
Theni District,
Theni.

... Respondents

PRAYER : Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent No.3 to promote the petitioner to the post of Deputy Tahsildar with effect from the date on which the other candidates in the revised approved list of Revenue Assistants fit for promotion to the post of Deputy Tahsildar dated 01.07.2019 were promoted, with all consequential and monetary benefits.

For Petitioners	:	Mr.D.Sivaraman
For Respondents	:	Mrs.J.Padmavathi Devi Special Government Pleader

COMMON ORDER

The prayer in the writ petitions is for a Writs of Mandamus to direct the respondent No.3 to promote the petitioners to the post of Deputy Tahsildar with effect from the date, on which the other candidates in the revised approved list of Revenue Assistants fit for promotion to the post of Deputy Tahsildar dated 01.07.2019 were promoted, with all consequential and monetary benefits.



2. Since the issue raised in both the writ petitions are one and the same, with the consent of both sides, these writ petitions were heard together and are being disposed of by this common order.

3. That the petitioners are working as Assistants in the Theni Revenue Unit and for the year 2018, a panel of Assistants fit for promotion to the post of Deputy Tahsildar was prepared by notification dated 25.01.2018, where the name of the petitioners were not found place.

4. Subsequently, on the request made by the petitioners and other similarly placed persons, the said list was revised and a revised list has been issued by the third respondent vide revised list of Deputy Tahsildar for the year 2017 on 01.07.2019.

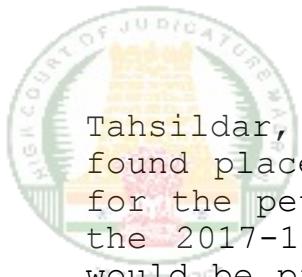
5. In the said list, 17 persons name were found, wherein, the petitioners' name are at S.Nos.16 and 17.

6. In this context, the learned counsel for the petitioners would submit that, though there were originally 17 vacancies identified for giving promotions from the eligible Assistants to the post of Deputy Tahsildar, as for the year 2017-18, now in the revised list, those 17 persons name have been found including the petitioners, so far, promotions have been given only up to 13 and recently, the 14th person has also been given posting.

7. When the fifteenth person, viz., Lakshmi has already filed a writ petition, which is pending before this Court, where, a clarification was sought for and it was clarified that, only after all the 17 people as per the seniority, who are found place in the seniority list fit for promotion to the post of Deputy Tahsildar, are exhausted, a fresh list will be prepared and even now if fresh list is prepared it will be only after exhausting these 17 persons, hence the next persons, who would be found place in the next seniority list, would be taken care of.

8. Therefore, in this context, it is the grievance of the petitioners that, since the petitioners are already in 16th and 17th position in the seniority list, as per the revised list of seniority dated 01.07.2019 and already up to 14 people, posting have been given and the next place to be given only to S.Nos.15 to 17, which includes the petitioners herein. Therefore, after exhausting the list, let the respondents proceed for preparation of further panel and if it is ensured, the petitioners would be satisfied, he contended.

9. I have heard the learned Special Government pleader for the respondents, who would submit that, in the revised seniority list consisting of 17 Assistants fit for promotion to the post of Deputy



Tahsildar, in the Theni Revenue District, the petitioners' name also found place. Therefore, as has been stated by the learned counsel for the petitioners, these 17 people would be given postings as per the 2017-18 seniority list and then only, the next seniority list would be prepared, certainly, next persons, who are in the queue or waiting for promotions to the post of Deputy Tahsildar, would be considered.

10. In view of the said stand taken by the respondents, the request of the petitioners would be redressed easily, as certainly they would get the postings by way of promotion to the post of Deputy Tahsildar, when the turn comes, as admittedly so far only 14 persons have been given promotions and postings and the next turn would be from S.No.15 onwards, where the petitioners are admittedly in S.Nos.16 and 17.

11. In that view of the matter, this Court is inclined to dispose of these writ petitions with the following order:

"That the petitioners, who are found place in the revised seniority list of Assistants fit for promotion to the post of Deputy Tahsildar for the year 2017-18, where the petitioners' name are found at S.Nos.16 and 17 respectively, can be considered, when the turn comes for promotions and postings to the post of Deputy Tahsildar. Only after exhausting the seniority list dated 01.07.2019, ie., seniority list of Assistants fit for promotion to the post of Deputy Tahsildar for the year 2017-18, the respondents shall proceed to prepare further seniority list for the next year panel."

12. With these observations and directions, these writ petitions are disposed of as no further orders are required to be passed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar(CS)

RR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

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Theni District,
Theni.

+2 CC to M/s.D. SIVARAMAN, Advocate (SR-16800[F] dated 15/09/2020)

+1 CC to M/s.GP (SR-16970[F] dated 15/09/2020)

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NS (CO)

AP (09/10/2020) 4P 7C