



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2020

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.11891 of 2020

(Through Video conferencing)

VKS Velayutham

...Petitioner

-Vs-

1.The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.

2.The Principal Secretary and Commissioner
of Revenue Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

3.The District Collector,
Sivagangai District,
Sivagangai.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Revenue Department, Chennai to pass appropriate orders on the petitioner's review petition dated 19.09.2019 particularly considering the fact that not amending the Tamil Nadu Ministerial Service Rules is not the mistake of the petitioner and that he was promoted based on the specific G.O.No.330 Revenue Department dated 12.07.2004, within a specified time frame, that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam
For Respondents : Mr.G.Arujunan, G.A.

ORDER

The prayer sought for in this writ petition is for a writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Revenue Department, Chennai to pass appropriate orders on the petitioner's review petition dated 19.09.2019 particularly considering the fact that not amending the Tamil Nadu Ministerial Service Rules is not the mistake of the petitioner and that he was promoted based on the specific G.O.No.330 Revenue Department dated 12.07.2004, within a specified time frame, that may be fixed by this Court.



2.The petitioner has last served as Assistant in the Office of the Special Tahsildar (Civil Supplies), Karaikudi, Sivagangai District and retired from service on 30.06.2014 on superannuation. His total service in the Revenue Department was 30 years. In this regard, it is the grievance that though he was eligible to be included in the approved list of Deputy Tahsildars by way of promotion from the Assistant cadre for the year 2013, the same was not given to him and in this regard, since the petitioner had taken 61 days medical leave as he met with an accident while he was working as Firka Revenue Inspector at Thiruppathur, it seems that, he had given representation on 16.06.2014 to relax the rule i.e., as per Annexure - III (II) of Rule 7(a) of Revenue Subordinate Service Rules, where, two years service was required for considering to the post of Deputy Tahsildars and the said request made by the petitioner was forwarded by the District Collector concerned to the Government on 12.07.2016. However, the said request of the petitioner was turned down on 19.08.2019 on the ground that, the petitioner was promoted as Assistant from the cadre of Village Administrative Officer without making any amendment to the Tamil Nadu Ministerial Service and therefore, his name cannot be included in the approved list of Deputy Tahsildar of the year 2013. In this context, it is the case of the petitioner as submitted by the learned counsel appearing for the petitioner that, the petitioner was promoted as Assistant from the post of Village Assistant only as per G.O.No.386 Revenue Department dated 01.10.2001 as in that G.O., 10% ratio has been fixed for promotion to the post of Assistant from the post of Village Administrative Officer.

3.In this context, if the Tamil Nadu Ministerial Services is not amended as per the aforesaid G.O., it was not the mistake on the part of the petitioner and if at all, it is the mistake of the department, for that, the employee after given promotion as per the Government Order cannot be taken to task for consideration of further promotion as Deputy Tahsildar. Therefore, the learned counsel would submit that, by taking into account the aforesaid aspect to review the order passed by the Government dated 19.08.2019, a review petition was made by the petitioner on 19.09.2019 to the Government, which is pending before the 1st respondent and in this regard, the Commissioner of Revenue Administration has also called for a report from the District Collector, Sivagangai by his proceedings dated 18.02.2020 and the District Collector also has sent his report to the Joint Commissioner of Review Administration, Chennai. Despite the same, the review petition filed by the petitioner dated 19.09.2019 is pending and it is not yet to be disposed by the 1st respondent. Therefore, the petitioner is before this Court. Hence, the learned counsel for the petitioner seeks indulgence of this Court to issue a mandamus as prayed.



4.I have heard the learned Government Advocate appearing for the respondents, who would submit that, insofar as the review petition dated 19.09.2019 filed and pending before the 1st respondent is concerned, the same would be decided on merits and in accordance with law and an order to that effect would be passed within a reasonable time that may be fixed by this Court.

5.Considering the said submissions made by both sides and having taken into consideration the factual matrix of this case, this Court is inclined to dispose of this writ petition with the following orders:

"The 1st respondent is directed to decide the review petition dated 19.09.2019 filed by the petitioner with regard to the issue of getting promotion as Deputy Tahsildar of the year 2013 by reviewing the order already passed by the Government i.e. first respondent dated 19.08.2019 and accordingly, decide the said issue on merits and in accordance with law and pass necessary orders disposing the said review petition within a period of eight weeks from the date of receipt of a copy of this order."

6.With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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.

To

- 1.The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.
- 2.The Principal Secretary and Commissioner
of Revenue Administration,
Ezhilagam, Chempauk, Chennai - 600 005.

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



3.The District Collector,
Sivagangai District,
Sivagangai.

+1 CC to M/s.GP (SR-17400[F] dated 18/09/2020)

Order made in
W.P. (MD) No.11891 of 2020
17.09.2020

MR (CO)
TR (01.12.2020) 4P 5C