



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.08.2020

DELIVERED ON : 01.09.2020

CORAM:

THE HONOURABLE **MR.JUSTICE RMT.TEEKAA RAMAN**

W.P. (MD)No.11727 of 2015

and

M.P. (MD) .No.1 of 2015

T.Vadivel

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Revenue Department,
Secretariat,Chennai.

2.The Additional Chief Secretary/Commissioner
of Revenue Administration,
Chepauk,Chennai.

3.The District Collector,
Theni District,Theni.

4.The District Revenue Officer,
O/o. The Collectorate,
Theni, Theni District.

5. N.Sowdappan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order passed by the fourth respondent in his proceedings in **ந.க.எண்.அ2/830/2015** dated 07.07.2015 and quash the same as illegal.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondent
Nos.1 to 4 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

For Respondent No.5 : Mr.T.Lajapathi Roy



ORDER

In this writ petition, the Firka Revenue Inspector, Theni Firka, Theni District has challenged the entire seniority.

2. Today, it is submitted by Mr.C.Venkatesh Kumar, learned Counsel appearing for the petitioner and accepted by Mr.T.Lajapathi Roy, the learned counsel for the private respondent No.5 that the very same seniority is the subject matter of W.A.(MD).No.836 of 2018 etc., batch, which was allowed by a Division Bench of this Court on 30.08.2019.

3. In the above said writ appeal at paragraph No.27, the Hon'ble Division Bench has held as follows:

"27.In the result, the Writ Appeal (MD) Nos.836, 892, 974 and 1683 of 2018 and W.P(MD) No.17169 of 2018 are disposed of as follows:-

(a) the orders impugned in the writ petitions are set aside and the matter is remitted back to the first respondent Government to make necessary amendments to the relevant rules indicating the date of preparing the seniority list by taking note of the observations and findings rendered supra.

(b) the preparation of seniority list in this case should not go either by calendar year or by fixing 15th March as the crucial date.

(c) such seniority list is to be prepared by giving a reasonable gap between the date of preparation of such list and date of preparation of panel for promotion.

(d) the inter se seniority of the direct recruit assistants shall be fixed by strictly following the cyclical order referred to under Clause 9 of Annexure IX of the Tamil Nadu Ministerial Service Rules.

(e) the first respondent Government thus shall pass appropriate orders making amendment to the rules as directed supra within a period of two months from the date of receipt of a copy of this order.

(f) on the basis of the orders to be passed by the first respondent Government amending the rules, the authority concerned shall prepare the subject matter seniority list afresh accordingly within a period of four weeks thereafter.

(g) the seniority list as well as panel for promotion to the next higher post shall be prepared for every year without accumulating the same for years together.



No costs. Consequently, connected
Miscellaneous Petitions are closed."

4. Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader appearing for the respondents/State submitted that the similar issue is covered in the Division Bench decision of this Court, dated 30.08.2019 made in W.A.(MD).No.836 of 2018, etc., batch. The same subject matter with regard to seniority list was quashed and certain guidelines were issued in the said writ appeal. Hence, the petitioner is entitled for the relief as per the ratio laid down by the Hon'ble Division Bench.

5. In view of the ratio laid down in the above said Division Bench decision of this Court, the petitioner herein is entitled to get the same relief. The respondents/state is directed to follow the guidelines as extracted above at paragraph No.27 of the above said Writ Appeal and shall pass necessary consequential order within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands allowed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

To

1.The Principal Secretary,
Revenue Department,Secretariat,Chennai.

2.The Additional Chief Secretary/Commissioner
of Revenue Administration,Chepauk,Chennai.

3.The District Collector,Theni District,Theni.

4.The District Revenue Officer,
O/o. The Collectorate,Theni, Theni District.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-15620[F]

ORDERMADE IN

W.P. (MD)No.11727 of 2015

01.09.2020

DB(CO)

TP(07.09.2020) 3P 6C
<https://hcservices.ecourts.gov.in/hcservices/>