



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P. (MD)No.14257 of 2015

and

M.P. (MD) .Nos.1 and 2 of 2015

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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.K.Chitradevi

6.K.Ramaraj

7.B.Ganeshkumar

8.V.Valarmathi

9.P.Mohan Muniyandi

10.D.Balamurugan

11.N.Magalakshmi

12.K.Kavitha

13.C.Kumaran

14.M.Pandi

15.S.Muthukumar

16.M.Kumaravel

17.C.M.Vinothini

18.N.Sowdappan

19.R.Kannan

20.K.Raja

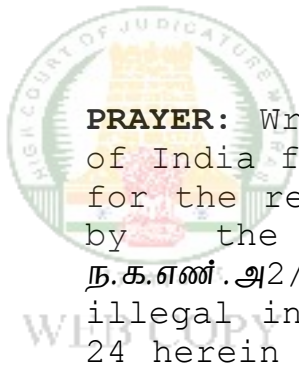
21.S.Rajaram

22.M.Karthikairaja

23.M.Athisivan

24.S.K.Senthilkumar

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Ceriorarified Mandamus, to call for the records relating to the impugned seniority list published by the third respondent in his proceedings in ந.க.எண்.அ2/34888/2013 dated 31.07.2015 and quash the same as illegal insofar as fixing the seniority of the respondents 5 to 24 herein in the year of 2011-12 is concerned and consequentially to direct the respondents to draw the *inter se* seniority list of Revenue Assistant (allotted to Theni Revenue District) directly recruited through TNPSC for the year 2009, 2011 and 2011-2012 and 2012-2013 and the Revenue Assistants promoted for the year 2011,2012,2013 on the basis of the date of their appointment/joining in the cadre of Revenue Assistants by placing the respondents 5 to 24 in the seniority of the year 2012 in the light of clause 9 of the Annexure IX r/w 38 (b)(ii) of the Tamil Nadu Ministerial Service Rules.

For Petitioner : Mr.M.Ajmal Khan
Senior Advocate for
M/s.Ajmal Associates

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

For Respondent
Nos.5 to 24 : Mr. Louis
for 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.M.Ajmal Khan, the learned Senior Counsel appearing for the petitioner and accepted by Mr.Louis, the learned counsel for the private respondents 5 to 24 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 Government Advocate 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 petitions are closed.

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Sd/-

Assistant Registrar (RECORDS)

/ /2020

Sub Assistant Registrar (CS)

PJL

To

1.The Principal Secretary,
State of Tamil Nadu,
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 SGP (SR-13279[F] dated 28/07/2020)

**Order made in
W.P. (MD) No. 14257 of 2015
27.07.2020**

KM (08.09.2020) 4P 6C