



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2021

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.9380 of 2005

R.Vellaichamy

...Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Commercial Taxes Department,
Fort St. George, Chennai 600 009.
2. The Deputy Secretary to Government,
Commercial Taxes Department,
Fort St. George, Chennai 600 009.
3. The Inspector General of Registration,
Santhome High Road, Chennai 600 028.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the Records of the Respondents relating to the Order of the 1st Respondent in G.O. Ms.No.35, Commercial Taxes (H1) Department dated 03.04.2003 and the order of the 2nd Respondent in Letter No.2130/H1/2001-9 dated 31.03.2004 and quash the same insofar as the Petitioner is concerned and consequently direct the Respondents to promote the Petitioner as District Registrar for the panel of 1998-99 based on G.O.Ms.No.114, Commercial Taxes (H1) Department dated 21.05.1999 with retrospective effect with all service and monetary benefits.

For Petitioner : Mr.Kolandaivelu

For Respondent : Mr.John J. Raja Singh
Government Advocate



O R D E R

The petitioner claims entitlement for promotion to the post of District Registrar for the year 1998-99. At the time of filing of the present writ petition, he was employed as Sub-Registrar Grade-I in the office of the District Registrar, Kallakurichi, Villupuram District. His name was included in the panel, fit for promotion to the post of District Registrar in the Tamil Nadu Registration Service for the year 1998-99, in G.O.Ms.No.114, Commercial Department dated 21.05.1999 at Sl. No.8.

2. Thus, at the time when the panel was prepared and finalised, the petitioner was fully qualified for empanelment. There had been a challenge to the constitution of the panel by one of the candidates who filed O.A. No.3523 of 1999 before the Tamil Nadu Administrative Tribunal (TNAT) and the operation of G.O. Ms. No.114 of 1999 had been stayed for a while.

3. The petitioner along with five persons who had been figured in Sl.Nos.1 to 5 had filed a vacate stay application in M.A.No.4461 of 1999, which came to be ordered, the TNAT modifying the stay to state that it was only an interim arrangement, and seniority would be fixed at the time of final disposal of the Original Application, which was fixed for hearing on 12.06.2000. While this is so, the impugned order has come to be passed referring to charge memo that was framed under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules ('Rules') on 25.09.2000.

4. Clarity was required in regard to whether a 'panel' would span a calendar year or financial year, and the learned Government Pleader sought the assistance of Mr.R.Uthama Singh, District Registrar, Office of the Inspector General of Registration, and thereafter clarified that as far as the Department of Registration is concerned, a 'panel year' connotes the period from 1st of April of to 31st of March of the subsequent year. That is to say, a panel for the year 1998-99, would span the period 01.04.1998 to 31.03.1999. In the present case, we are concerned with panel year 1998-99 and hence would span the period 01.04.1998 to 31.03.1999.

5. The impugned order refers to charge memo dated '11.01.2000', which is erroneous as the correct date of charge memo is '25.09.2000'. Be that as it may, both dates, 25.09.2000 and 11.10.2000, stand outside the panel year in question, being 01.04.1999 to 31.03.2000. Hence framing of charges subsequent



to the panel year would have no impact upon the entitlement of the petitioner for promotion.

6. This is a settled position reiterated ad nauseam by the Courts including in the case of G.Usharani Vs. State of Tamil Nadu and others (W.P. No.4473 of 2005 dated 03.04.2006) wherein at paragraph 20, learned Single Judge reiterates that events that have transpired after the year in consideration would have no impact upon the right of the petitioner to be empanelled/promoted for that particular year.

7. In light of the aforesaid discussion, the impugned order rejecting the claim of the petitioner for inclusion in the panel for promotion as District Registrar for the year 1998-99, cannot be countenanced and is set aside.

8. At this juncture, learned Government pleader circulates written instructions to the effect that the name of the petitioner is under consideration for empanelment for the year 1997-98, as per the judgment of the Hon'ble Supreme Court relating to fixation of seniority based on first appointment date. In deference to the ratio of the same, the seniority of the petitioner is stated to have been revised his promotion to the posts of Sub-Registrar Grade II in panel year 1984-85, Sub Registrar Grade I in panel year 1995-96 and proposal to fix seniority for the post of District Registrar for the year 1997-98 are stated to be pending consideration.

9. This Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rkp

To

1. The Secretary,
Government of Tamil Nadu,
Commercial Taxes Department,
Fort St. George, Chennai 600 009.



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

3. The Inspector General of Registration,
Santhome High Road, Chennai 600 028.

+1CC to Mr.Muthumani Doraisami, Advocate, Sr.No.50365

+1CC to Mr.Government Pleader, Sr.No.50103

W.P. No.9380 of 2005

CP (CO)

K.RK. (09.11.2021)