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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN
AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Writ Appeal Nos.826 and 827 of 2020

Writ Appeal No.826 of 2020:

1. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk,
Chennai 5.
2. The District Collector,
Thiruvannamalai.
3. The District Revenue Officer,
Thiruvannamalai.

... Appellants

vs.

1. K.Manigandan,
Senior Revenue Inspector,
Special Tahsildar Office,
(Stamp duty)
Tiruvannamalai District,
Pin 606 601.
2. A.Thamizharasi,
Senior Revenue Inspector,
Office of District Collector,
Tiruvannamalai District,
Pin 606 601.
3. A. Shamshanth Begam,
Senior Revenue Inspector,



Office of District Collector,
Tiruvannamalai District,
Pin 606 601.

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4. N.Vadivel,
Revenue Assistant,
Taluk Office, Cheyyar,
Tiruvannamalai District.
5. E.Kalaiyarasi,
Revenue Assistant,
Taluk Office,
Tiruvannamalai.
6. P.Kaveri,
Revenue Assistant,
Kalasapakkam Taluk,
Tiruvannamalai District

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the order dated 20.12.2019 passed by this Court in W.P.No.1895 of 2019.

Prayer in W.P.No.1895 of 2019: Writ Petition filed under Article 226 of the Constitution of India prayed that this Hon'ble High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ directions or order in the nature of a Writ, Directing the 3rd respondent to consider the claim of the petitioners for cancelling the order of promotion of the respondents 4 to 6 as Revenue Assistants by inclusion of their names in the panel for the year 2012 revert them to their Original Posts in the light of the Judgement dated 12.12.2018 in W.A.No. 1247/ 2015 and restore the seniority of the petitioners in the cadre of Revenue Assistant and consider their names for empanelment for promotion as Deputy Tahsildars for the year 2018 at the proper place and to promote them.

For Appellants : Mr.K.V.Sajeev Kumar
Government Advocate

For Respondents 1 to 3 : Mr.M.Sivavarthanan
For Respondents 4 to 6 : Mr.S.Vijayakumar



Writ Appeal No.827 of 2020:

1. The Principal Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai 5.

2. The District Collector,
Thiruvannamalai.

3. The District Revenue Officer,
Thiruvannamalai.

... Appellants

vs.

1. N.Vadivel,
Revenue Assistant,
Taluk Office, Cheyyar,
Tiruvannamalai District.

2. E.Kalaiyarasi,
Revenue Assistant,
Taluk Office,
Tiruvannamalai.

3. P.Kaveri,
Revenue Assistant,
Kalasapakkam Taluk,
Tiruvannamalai Dt.

4. M.Thamilarasi,
Senior Revenue Inspector,
O/o/ District Collector,
Tiruvannamalai District,
Pin 606 601.

5. A. Shamshanth Begam,
Senior Revenue Inspector,
Office of District Collector,
Tiruvannamalai District,
Pin 606 601.

6. S.Manjunathan,
Taluk Supply Officer,



Polur Tk,
Tiruvannamalai Dt.

7. K.Manigandan,
Revenue Assistant,
O/o. The Special Tahsildar Office,
(Stamp duty)
Tiruvannamalai Tk & Dt.

8. K.Arulkumar,
Revenue Inspector,
Santhavasal Firka, Polur Tk,
Tiruvannamalai Dt.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the order dated 20.12.2019 passed by this Court in W.P.No.24117 of 2013.

Prayer in W.P.No.24117 of 2013: Writ Petition filed under Section 226 of the Constitution of India herein prays that this Hon'ble Court may be pleased to issue a Writ of Certiarified Mandamus, or any other Writ or order or direction in the nature of writ, calling for the records relating to the 3rd respondent in his proceedings No.A3/ 38896/12 dated 21.5.2013 and to quash the same and consequently direct the 3rd respondent to include the petitioners name in the panel of Assistants for the year 2012.

For Appellants : Mr.K.V.Sajeev Kumar
Government Advocate

For Respondents 1 to 3 : Mr.S.Vijayakumar
For Respondents 4, 5 & 7: Mr.M.Sivavarthan
For 6th Respondent : No appearance
For 8th Respondent : Not ready in Notice

J U D G M E N T

(Judgment of the Court delivered by S.VAIDYANATHAN, J.)

This Writ Appeal is directed against the common order dated 20.12.2019 passed by this Court in W.P.No.24117 of 2013 and W.P.No.1895 of 2019.



2. The issue that, revolves around the present Writ Appeals is with regard to promotion between the direct recruits and promotees.

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3. In the case on hand, even though, the Writ Petitioners in WP.No.24117 of 2013 have passed all the required tests, they have not been deputed to training, despite their willingness to undergo training for one year. Since they were not sent for training, it has been contended by the contesting Respondents that, in the absence of training, they will not be entitled to promotion.

4. The learned Single Judge, after considering the case of the direct recruits and promotees, came to the conclusion that, Petitioners in W.P.No.24117 of 2013 have to be promoted as 'Assistants' pursuant to the order of the Court, and they have also been promoted as Deputy Tahsildars and functioning in the said post for the last two years and that, they should not be disturbed for the present. However, to protect the interest of the impleaded Respondents 4 to 8 in W.P.No.24117 of 2013, who have been directly recruited for the post of 'Assistants' during December 2012 and January 2013, the learned Single Judge held that the said Respondents must be considered for promotion to the post of Deputy Tahsildar from the time they became entitled for such promotion.

5. The learned Single Judge further held that, after deciding the inter se seniority between the Writ Petitioners in W.P.No.24117 of 2013 and the Respondents 4 to 8 in the said Writ Petition, the seniority of Respondents 4 to 8 in W.P.No.24117 of 2013 can be fixed in the post of Deputy Tahsildar.

6. Heard the learned counsel on either side and perused the material documents available on record.

7. The learned Single Judge has clearly held that, the promotion of the Writ Petitioners in W.P.No.24117 of 2013 to the post of 'Assistant' pursuant to the order of this Court should not be a criteria for deciding the seniority and it has to be strictly in accordance with the eligibility of the candidates.



8. Since, the learned Single Judge has considered and directed the official Respondents in the Writ Petitions to draw a seniority list, so that, candidates can be fixed in the appropriate place based on their entitlement, and that, the rights of the Writ Petitioners in W.P.No.24117 of 2013 has been protected, this Court is not inclined to interfere with the order of the learned Single Judge except, directing the Writ Appellants herein to draw the seniority list at the earliest point of time, i.e. within a period of three months from the date of receipt of a copy of this order, so that the parties concerned are placed in the seniority list as per their eligibility, and further progress in their career can be achieved. The Writ Appellants are directed to consider the case of the parties including regular promotion/further promotion.

9. In fine, both Writ Appeals are disposed of with the above directions. No costs. Consequently, connected C.M.P.Nos.10486 and 10488 of 2020 in W.A.No.826 of 2020 and C.M.P.No.10490 of 2020 in W.A.No.827 of 2020 are closed.

Sd/-
Assistant Registrar (CS-V)

// True Copy //

Sub Assistant Registrar

(vm/aeb)

To:

1. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai 5.
2. The Principal Secretary/
Commissioner of Revenue Administration,
Chepauk, Chennai 5.
3. The District Collector,
Thiruvannamalai.



4. The District Revenue Officer,
Thiruvannamalai.

+1CC to Mr.S.Vijaya Kumar, Advocate, SR.No. 44783

+3CCs to Mr.M.Sivavarthan, Advocate, SR.No. 45170

W.A.Nos.826 & 827 of 2020

MG(CO)

B.VC (25/10/2021)