

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.4052 & 4053 of 2014

A.Rajendran

... Petitioner in W.P.No.
4052 of 2014

U.Meenakshisundaram

... Petitioner in W.P.No.
4053 of 2014

Vs.

1. The Secretary to Government,
Commercial Taxes & Registration Department,
Fort St. George, Chennai - 09.
2. The Inspector General of Registration,
Santhome, Chennai - 600 028. ... Respondents

Petition in W.P.No. 4052 of 2014 filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records in connection with the impugned Order passed by the second respondent in Mu.Mu.No.41/A3/2011 dated 14.01.2010 and the subsequent rejection Order No.15701/A5/2013 dated 24.09.2013 and quash the same and further direct the respondents to re-fix the seniority and to promote the petitioner as Sub-Registrar Grade II retrospectively in 1990-91 panel with all consequential service and monetary benefits.

Petition in W.P.No. 4053 of 2014 filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to re-fix the seniority and to promote the petitioner as Sub-Registrar Grade II retrospectively in 1994-95 panel and subsequent promotions with all consequential benefits.

For Petitioner : Mr.S.Sivakumar in both WPs
For Respondents : Mr.T.M.Pappiah
Special Government Pleader

COMMON ORDER

While W.P.No.4052 of 2014 has been filed challenging the orders dated 14.01.2010 and 24.09.2013 passed by the second respondent and consequently, directing the respondents to include the name of the petitioner in the revised seniority list of Sub Registrar Grade-II for the year 1990-91 and promote him

retrospectively and grant all service and monetary benefits, W.P.No.4053 of 2014 has been filed seeking a direction to the respondents to refix the seniority and promote the petitioner as Sub Registrar Grade II for the year 1994-95 retrospectively and grant all service and monetary benefits.

2. According to the petitioner in WP.No.4052 of 2014, he was initially appointed in the Registration Department as Section Writer on 08.10.1973 and was promoted as Junior Assistant on 01.06.1981 and Assistant on 12.01.1984 and further promoted as Regular Sub Registrar Grade II in the year 2003 and Sub Registrar Grade I in the year 2008. Similarly, the petitioner in WP.No.4053 of 2014 was initially appointed as Junior Assistant on 01.02.1985 and Assistant on 25.01.1991 and further promoted as Regular Sub Registrar Grade II in the year 2007 and attained the age of superannuation on 31.07.2011. It is the grievance of the petitioners that they are fully qualified for promotion to the post of Sub Registrar Grade II for the year 1990-91 and 1994-95 respectively as per the revised seniority, however, their names were not included in the panel, whereas their juniors were promoted with retrospective effect. Hence, they made representations to the respondents requesting to include their name in the respective panels for promotion. By the order impugned in WP.No.4052 of 2014, the second respondent rejected the claim of the petitioner stating that on completion of the disciplinary proceedings, his request would be considered. Whereas no order was passed in the case of the petitioner in WP.No.4053 of 2014. Feeling aggrieved, the petitioners are before this Court with the present writ petitions.

3. Upon notice, the respondents filed separate counter affidavits, inter alia stating that the exercise of fixing / revision of seniority in the Sub Registrar Grade II panels were done only in respect of the persons, who are eligible and are not facing any disciplinary proceedings on the date of issuance of orders pertaining to such seniority; and a number of persons against whom such disciplinary proceedings were pending, were deferred from inclusion in the respective panels as per the statutory provisions of the Tamil Nadu State and Subordinate Services Rules. It is also stated therein that due to pendency of the disciplinary proceedings, the petitioners were not included in the panel for promotion and hence, their request seeking promotion to the post of Sub Registrar Grade II, could not be considered.

4. Though the petitioners filed these writ petitions for larger relief, the learned counsel for the petitioners restricted the same and submitted that it would suffice, if the representations of the petitioners dated 08.03.2013 are directed to be considered by the respondents within a time frame to be

stipulated by this Court, for which, the learned Special Government Pleader appearing for the respondents has no serious objection.

5.Considering the limited relief now sought by the learned counsel for the petitioners, which has not been seriously opposed on the side of the respondents, this Court directs the respondents to consider the petitioners' representations dated 08.03.2013, if not already considered, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6.Accordingly, these writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Secretary to Government,
Commercial Taxes & Registration Department,
Fort St. George, Chennai - 09.
2. The Inspector General of Registration,
Santhome, Chennai - 600 028.

+1cc to Mr.S.Sivakumar, Advocate, S.R.No. 7182

+1cc to the Government Pleader, S.R.No. 7504

सत्यमेव जयते

W.P.Nos.4052 & 4053 of 2014

BR (CO)

GN(08/07/2021)

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