

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.9827 of 2014

N.Vedantham

... Petitioner

Vs

1. The Secretary to Government,  
Commercial Taxes and Registration Department,  
Fort St. George, Chennai - 09

2. The Inspector General of Registration,  
Santhome, Chennai - 28.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to re-fix the seniority in the 1986-87 panel of Sub-Registrar Grade-II and grant all consequential service and monetary benefits.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.M.Hariharan, AGP

ORDER

The Petitioner has come up with this Writ Petition seeking a direction to the second respondent to re-fix the seniority in the 1986-87 panel of Sub-Registrar Grade-II and grant all consequential service and monetary benefits to him.

2.According to the petitioner, he joined as Junior Assistant in the registration department on 11.07.1978. Subsequently, he was promoted as Assistant on 05.08.1983 and

further promoted as Sub Registrar Grade II in the year 2001. On reaching the age of superannuation, he retired from service. It is the grievance of the petitioner that he is fully qualified for promotion to the post of Sub Registrar Grade II for the year 1986-87 as per the revised seniority, however, his name was not included in the panel, whereas their juniors were promoted with retrospective effect. Hence, he made a representation on 18.07.2012 to the respondents requesting to include his name in the panel for promotion in the year 1986-87. On receipt of the same, the petitioner's name was included in the panel for the year 1992-93 and there was no reference with regard to inclusion of his name in the panel for the year 1986-87. Therefore, he again made a representation dated 15.04.2013 to the second respondent. Finding no response on the same, the petitioner has come up with this writ petition for the aforesaid relief.

3. Upon notice, the respondents filed a detailed counter affidavit, wherein, it is inter alia stated 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 in terms of Rule 4 of the Tamil Nadu Subordinate Services Rules issued by the second respondent; and the petitioner is very junior to one Kannan with reference to date of regularisation in the cadre of Junior Assistant and therefore, he is not entitled to include and claim in the panel for the year 1986-87, but is eligible for promotion to the post of Sub Registrar Grade II in the year 1992-93 panel and accordingly, his name was included in the said promotional panel. With these averments, the respondents sought to dismiss this writ petition.

4. The learned counsel for the petitioner has refuted the aforesaid averments made in the counter affidavit filed by the respondents and submitted that the petitioner already made a representation dated 15.04.2013 to the second respondent claiming the relief as sought in this writ petition and hence, it would suffice, if the said representation is directed to be considered by the respondents within a time frame to be stipulated by this Court, for which, the learned Additional Government Pleader appearing for the respondents has no serious objection.

5. Considering the limited relief now sought by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondents, this Court directs the respondents to consider the petitioner's representation dated 15.04.2013, 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, the writ petition stands disposed of. No costs.

Sd/-  
Assistant Registrar

//True copy//

Sub Assistant Registrar

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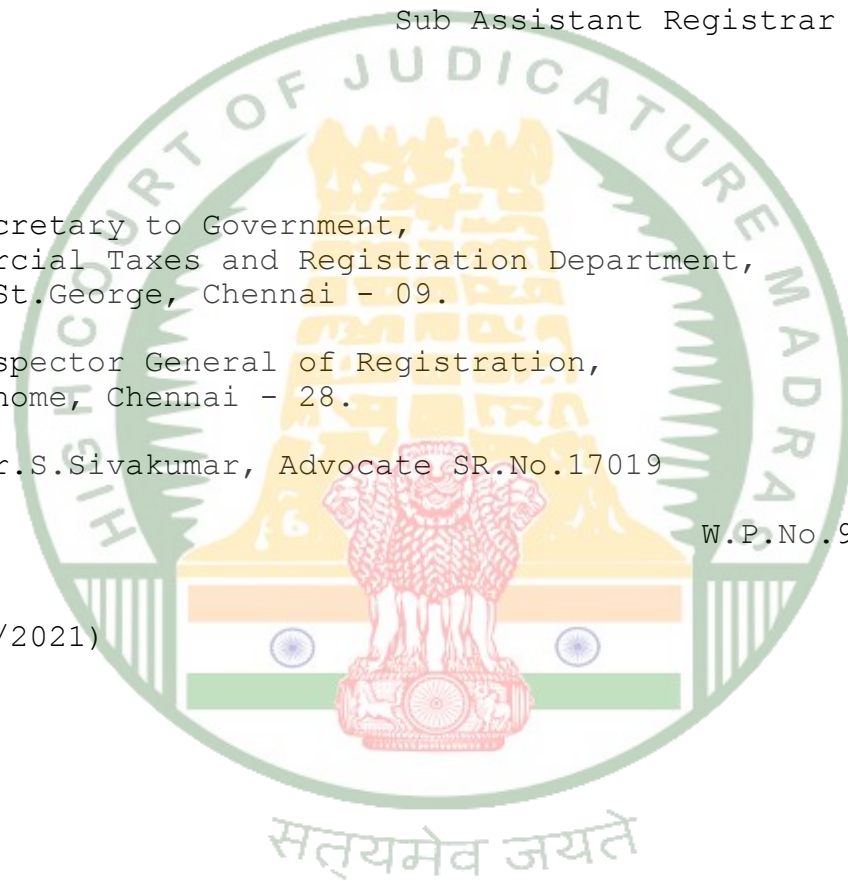
To

1. The Secretary to Government,  
Commercial Taxes and Registration Department,  
Fort St. George, Chennai - 09.
2. The Inspector General of Registration,  
Santhome, Chennai - 28.

+1cc to Mr.S.Sivakumar, Advocate SR.No.17019

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RSV(CO)  
GMY(09/07/2021)



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