

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.11075 to 11077 of 2014

R.Sivaraj ... Petitioner in W.P.No.
11075 of 2014

G.Sankar ... Petitioner in W.P.No.
11076 of 2014

R.Nagarathinam ... Petitioner in W.P.No.
11077 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
in all the WPs

Petitions 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 Orders bearing Nos.36095/A-3/2008 dated 09.06.2011, 3497/A-3/2010 dated 07.07.2011 and 36089/A-3/2008 dated 20.04.2011 passed by the second respondent and quash the same, insofar as para 8 & 10 concerned in WP.11075/2014, parat 7 & 9 Concerned in WP.11076/2014 and the petitioner concerned in WP.No. 11077/2014 and further direct the respondents to re-fix the seniority and to promote the petitioners as Sub Registrar Grade II retrospectively in WP.Nos.11075 & 11077/2014 and re-fix the Petitioner's seniortity in WP.11076/2014 and grant all consequential service and monetary benefits.

For Petitioners : Mr.S.Sivakumar in all WPs
For Respondents : Mr.T.M.Pappiah
Special Government Pleader

COMMON ORDER

These writ petitions have been filed challenging the orders passed by the second respondent and consequently, directing the respondents to include the name of the petitioners in the revised seniority list of Sub Registrar Grade-II and grant all consequential service and monetary benefits.

2.The brief facts of the case are as follows:

2.1 The petitioner in WP.No.11075 of 2014 joined as Section Writer in the Registration Department on 01.06.1977 and subsequently, promoted as Junior Assistant on 18.06.1980 and further promoted as Assistant in the year 1986 and his service was regularised on 04.02.1991. Thereafter, he was promoted as Sub Registrar Gr.II in the year 1998 and upgraded as Grade I Sub Registrar in the year 2008 and reached the age of superannuation on 31.07.2010.

2.2 The petitioner in WP.No.11076 of 2014 was appointed as Junior Assistant in the Registration Department on 10.01.1973 and subsequently, promoted as Assistant in the year 1984 and further promoted as Sub Registrar Gr.II on 04.07.2008 and Sub Registrar Grade I on 23.06.2011.

2.3 The petitioner in WP.No.11077 of 2014 was initially appointed as Junior Assistant on 10.01.1973 and was promoted as Assistant in the year 1984 and further promoted as Sub Registrar Gr.II in the year 1992 and attained superannuation on 30.06.2009.

2.4 According to the petitioners, they were not given promotion as per the rule position, whereas their juniors were included in the promotion panel and they became seniors to the petitioners. In order to rectify the anomaly in the fixation of seniority, the second respondent constituted a committee, which submitted a report. Based on the same, the second respondent issued an order dated 20.04.2011 extending the benefits to the similarly placed person. According to the same, the petitioners are entitled for retrospective promotion and upgradation. However, they were not considered, but were issued with respective revised seniority orders dated 09.06.2011, 07.07.2011 and 20.04.2011, which are impugned herein.

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; a number of persons against whom such disciplinary proceedings were pending, were deferred from inclusion in the orders issued by the Inspector General of Registration; and accordingly, the second respondent issued the proceedings impugned herein, fixing seniority of persons eligible for inclusion in the Sub Registrar Grade II panel for the year 1995-96, 1997-98 and 1989-90 respectively. 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 representation of the petitioners dated 29.01.2014 is 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' representation dated 29.01.2014, 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-VI)

//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. 7163
+1cc to the Government Pleader, S.R.No. 7505

W.P.Nos.11075 to 11077 of 2014

VSN II(CO)
GN(05/07/2021)

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