

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.34831 of 2014

M.Muniraj

...Petitioner

Vs

1.The Secretary,
Revenue Department,
Secretariat, Chennai.

2.Additional Chief Secretary cum Commissioner of Revenue
Administration, Revenue Department,
Ezhilagam, Chennai.

3.The District Collector,
Collectorate, Dharmapuri.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to grant all service benefits to the petitioner held by his juniors on the date of his superannuation, based on the representation dated 03.07.2014.

For Petitioner : Mr.S.C.Vishwanth

For Respondents : Mr.K.K.Ramesh
Government Advocate

ORDER

The prayer made in this writ petition is to issue a mandamus, directing the respondents to grant all service benefits to the petitioner held by his juniors on the date of his superannuation, based on the representation dated 03.07.2014.

2.According to the learned counsel for the petitioner, the petitioner joined as Village Administrative officer on 12.03.1984 and retired from service as Deputy Tahsildar on 30.04.2014, on reaching the age of superannuation. Stating that though he was entitled to the post of Deputy Collector, he had served with only two promotions for more than two decades,

whereas the case of his juniors was considered and was given promotion periodically, the petitioner submitted a representation dated 03.07.2014 to the respondents requesting to grant all the service benefits as held by his juniors, on the date of his superannuation. Finding no response on the same, he has come up with this writ petition for the aforesaid relief.

3. Upon notice, the respondents filed a detailed counter affidavit, inter alia stating that the name of the petitioner was included in the promotion panel of the Deputy Tahsildar in the year 2010, however, he was not considered, due to the fact that he was suffering from the punishment of stoppage of increment for six months, which was awarded by the District Revenue Officer, Dharmapuri by his proceedings no.16389/2010/A3 dated 22.10.2010 and the said punishment was modified to that of censure only; and thereafter, his name was included in the panel for the year 2011 as per the order of the Additional Chief Secretary / Commissioner of Revenue Administration in his proceedings No.Ser.3(3)/7980/2014 dated 29.04.2014, however he was not considered for promotion to the post of Tahsildar, as he did not possess the pre-requisite qualification. With these averments, the respondents sought to dismiss this writ petition.

4. However, the learned Government Advocate appearing for the respondents fairly submitted that the respondents would consider the representation of the petitioner if it is pending, and pass orders, on merits, within a time frame to be stipulated by this Court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the representation of the petitioner dated 03.07.2014, seeking notional benefits, 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, this writ petition stands disposed of. No costs.

sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msv

To

1.The Secretary,
Revenue Department,
Secretariat, Chennai.

2.Additional Chief Secretary cum Commissioner of Revenue
Administration, Revenue Department,
Ezhilagam, Chennai.

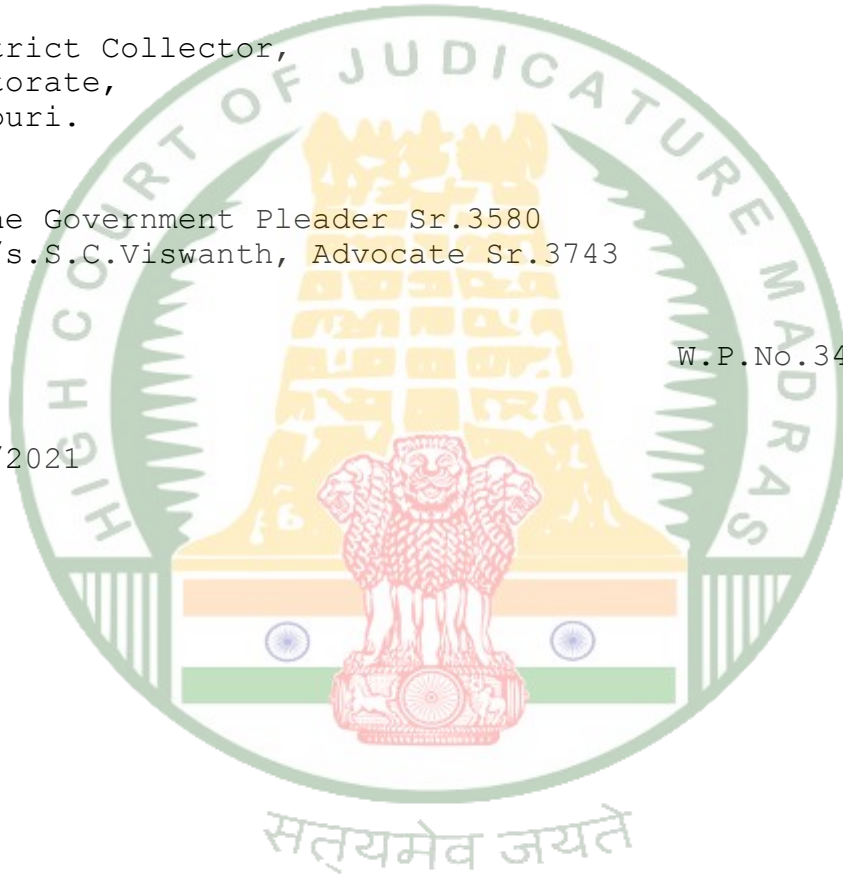
3.The District Collector,
Collectorate,
Dharmapuri.

+1cc to the Government Pleader Sr.3580

+1cc to M/s.S.C.Viswanth, Advocate Sr.3743

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srg 20/04/2021



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