

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.15401 to 15415 of 2014

N.Krishnamoorthy	... Petitioner in WP.No.15401 of 2014
A.Ramakrishnan	... Petitioner in WP.No.15402 of 2014
Thavasumony	... Petitioner in WP.No.15403 of 2014
S.Dharmalingam	... Petitioner in WP.No.15404 of 2014
S.Aathilakshmi	... Petitioner in WP.No.15405 of 2014
A.Nagarajan	... Petitioner in WP.No.15406 of 2014
S.Gopidoss	... Petitioner in WP.No.15407 of 2014
K.Selvaraj	... Petitioner in WP.No.15408 of 2014
M.Jolivadeswari	... Petitioner in WP.No.15409 of 2014
K.Kathiresan	... Petitioner in WP.No.15410 of 2014
D.Kanagarathinam	... Petitioner in WP.No.15411 of 2014
C.Budhamohan	... Petitioner in WP.No.15412 of 2014
R.Ravi	... Petitioner in WP.No.15413 of 2014
B.Shunmugavadiyu	... Petitioner in WP.No.15414 of 2014
M.Vijaya	... Petitioner in WP.No.15415 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 WPs

Prayer in WP.No.15401 of 2014: This Writ Petition 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 No.2100/A5/2013 dated 17.07.2013 and quash the same and further direct the respondents to promote the petitioner as Sub Registrar Grade - II as per G.O.(3D).No.2 dated 12.03.2007 and G.O.173 dated 13.10.2010 with all consequential service and monetary benefits.

Prayer in WP.Nos.15402 to 15415 of 2014: These Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to promote the petitioners as Sub Registrar Grade - II and the subsequent promotion notionally as per G.O.(3D).No.2 dated 12.03.2007 and

G.O.Ms.No.173 dated 13.10.2010 with all consequential service and monetary benefits.

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

COMMON ORDER

The writ petition bearing No.15401 of 2014 has been filed by the petitioner to quash the order dated 17.07.2013 passed by the second respondent and for consequential direction to the respondents, whereas other writ petitions viz., WP.Nos.15402 to 15415 of 2014 have been filed seeking a direction to the respondents to promote the petitioners as Sub Registrar Grade-II and subsequent promotion notionally as per G.O.(3D).No.2 dated 12.03.2007 and G.O.Ms.No.173 dated 13.10.2010 with all consequential service and monetary benefits.

2.Since the issue involved herein is similar in nature, all the writ petitions were heard together and are decided by this common order.

3.According to the petitioners, they entered into the service as Junior Assistants in the Registration Department and were promoted as Assistants and some of them were further promoted as Sub Registrar Grade-II. Thereafter, they retired from service on reaching the age of superannuation. The service details of the petitioners at the time of filing these writ petitions, are given below:

Sl.	WP numbers	Name of the Petitioners	Appointme nt Date	Promoted as Assistant on	Date of superannuat ion
1.	15401 of 2014	N.Krishnamoorthy	26.12.1983	24.01.1994	30.11.2009
2.	15402 of 2014	A.Ramakrishnan	26.07.1982	17.01.1994	31.07.2007
3.	15403 of 2014	Thavasumony	08.02.1984	19.01.1994	30.06.2007
4.	15404 of 2014	S.Dharmalingam	14.04.1972	01.04.1998	31.05.2003
5.	15405 of 2014	S.Aathilakshmi	08.09.1986	08.09.1995	----
6.	15406 of 2014	A.Nagarajan	23.08.1983	17.01.1994	----

Sl.	WP numbers	Name of the Petitioners	Appointme nt Date	Promoted as Assistant on	Date of superannuat ion
7.	15407 of 2014	S.Gopidoss	27.07.1988	01.09.1995	-----
8.	15408 of 2014	K.Selvaraj	25.05.1981	23.01.1994	31.01.2013
9.	15409 of 2014	M.Jolivadeswari	02.07.1986	17.01.1994	-----
10.	15410 of 2014	K.Kathiresan	31.07.1987	17.01.1994	31.08.2011
11.	15411 of 2014	D.Kanagarathinam	07.07.1986	17.01.1994	31.01.2011
12.	15412 of 2014	C.Budhamohan	22.08.1983	17.01.1994	-----
13.	15413 of 2014	R.Ravi	16.09.1983	17.01.1994	30.04.2012
14.	15414 of 2014	B.Shunmugavadivu	01.06.1981	07.08.1995	30.06.2006
15.	15415 of 2014	M.Vijaya	26.12.1986	04.09.1995	----

It is the further case of the petitioners that the Rules prescribed the qualification for promotion to the post of Sub Registrar Grade-II is 8 years of service including two years of service as Assistants and the petitioners have possessed such qualification, their names were not included in the promotion panel for the year 1996-97, whereas their juniors were promoted with retrospective effect. It is also submitted that to rectify the anomaly in the fixation of seniority among the categories of Assistant, Junior Assistant and Typist or Steno typist, the second respondent constituted a committee, as per the report of which, G.O.(3D).No.2 dated 12.03.2007 and G.O.No.173 dated 13.10.2010 came to be issued by the second respondent. Based on the said G.Os, similarly placed persons were given promotion notionally. However, such benefit was not extended to the petitioners herein relying on the subsequent amendment to Rule 4 (b) of G.O.Ms.No.33, Commercial Taxes and Revenue Department, dated 24.02.1999. The petitioners further pointed out that the representation given by the petitioner in WP.No.15401 of 2014 seeking the said benefit, was rejected, by order dated 17.07.2013 passed by the second respondent. On the other hand, the representations given by the petitioners in other writ petitions on 24.12.2012 were not considered. Hence, these writ petitions.

4.However, today, when the matters were taken up for consideration, the learned counsel for the petitioners submitted that it would suffice, if the representations of the petitioners dated 24.12.2012 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 24.12.2012, 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, all these writ petitions stand disposed of.
No costs.

-s/d-

Assistant Registrar

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.

+5 CCS to Mr.S. Sivakumar, Advocate sr 5401.

+1 CC to The Government Pleader sr 6091.

W.P.Nos.15401 to 15415 of 2014

SR II (CO)

SP(20/05/2021)

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