



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2021

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. (MD) No. 5563 of 2021 and

WMP (MD) Nos. 4411 and 8274 of 2021

WEB COPY

U. Manthirakumar

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

3. The Sub Collector,
Tirunelveli District,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Sa.Mu.No.A7/691/2020 dated 26.02.2021 passed by the 3rd respondent and quash the same and consequently, directing the respondents to promote the petitioner permanently as Senior Revenue Inspector on par with his Juniors with all consequential benefits.

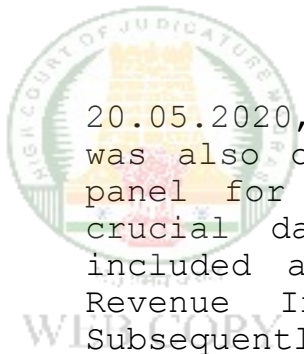
For Petitioner : Mr. T. Antony Arulraj
For Respondents : Mr. A. K. Manickam
Standing Counsel for State

O R D E R

This Writ Petition has been filed, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Sa.Mu.No.A7/691/2020 dated 26.02.2021 passed by the 3rd respondent and quash the same and consequently, directing the respondents to promote the petitioner permanently as Senior Revenue Inspector on par with his juniors with all consequential benefits.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

3. According to the petitioner, he was appointed as Village Administrative Officer on 12.04.2012 through Tamilnadu Public Service Commission. In the year 2020, 32 persons were temporarily promoted as Senior Revenue Inspectors vide proceedings dated



20.05.2020, issued by the 2nd respondent and the petitioner herein was also one among them. A combined seniority list for promotion panel for the year 2020-2021 has been prepared by fixing the crucial date as 15.3.2020, wherein, the petitioner's name was included at Sl.No.28 and he was temporarily promoted as Senior Revenue Inspector and posted at Palayamkottai taluk office. Subsequently, the petitioner was served with a charge memo dated 23.07.2020 by the 3rd respondent for certain irregularity which led to the enquiry, wherein, the charge levelled against the petitioner were held not proved and thereafter, the 3rd respondent issued proceedings dated 24.2.2021, dropping the charges levelled against the petitioner and therefore, he was exonerated from the charges.

4. It is the further case of the petitioner that while confirming the promotion of others who were temporarily promoted along with the petitioner, the 3rd respondent vide proceedings dated 26.2.2021, reverted the petitioner from the post of Senior Revenue Inspector to the post of Village Administrative Officer and served on the petitioner on 4.3.2021. Aggrieved by the said order, the petitioner has come forward with the present Writ Petition.

5. The learned counsel appearing for the petitioner would submit that the impugned order of the 3rd respondent, reverting the petitioner to the post of Village Administrative Officer is illegal since the petitioner was temporarily promoted to the post of Senior Revenue Inspector and there was no charge or disciplinary proceedings were pending on the crucial date i.e. 15.3.2020 for the panel prepared for the academic year 2020-21 and the charge memo was served to the petitioner on 23.7.2020. He would further submit that after conducting enquiry, the petitioner was exonerated from the charges, there is absolutely no impediment for the Department to consider the petitioner's claim for promotion to the post of Senior Revenue Inspector. However, unfortunately, the 3rd respondent vide proceedings impugned in the writ petition, reverted the petitioner without assigning any reasons for such reversion. Hence, the learned counsel appearing for the petitioner prayed to quash the impugned order and to grant the relief to the writ petitioner.

6. The learned Standing counsel appearing for State, while reiterating the averments made in the counter affidavit denying the contention of the petitioner, stating that the petitioner's name was not included in the permanent panel and the name of the petitioner was not included in the panel since the petitioner was issued with charge memo and disciplinary proceedings were pending under Rule 17 (B) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and the 3rd respondent has rightly passed the impugned order which requires no interference.

7. Having heard, the learned counsel appearing for the parties and perused the materials available on record and on going through the evidence on file, and circumstances, this Court finds considerable



force in the contention of the learned counsel for the petitioner. It is not in dispute that the panel was prepared for promotion to the post of Senior Revenue Inspector for the year 2020-2021 by fixing the crucial date as 15.03.2020 on which date, neither any charge or disciplinary proceedings were pending against the petitioner and hence, he was rightly considered and temporarily promoted to the post of Senior Revenue Inspector. It is also not in dispute that the 3rd respondent passed proceedings on 24.2.2021 dropping the charges against the petitioner based on the enquiry report. As rightly pointed out by the learned counsel for the petitioner, there is absolutely no impediment for the Department to consider the petitioner for the promotion to the post of Senior Revenue Inspector. But unfortunately, the 3rd respondent without assigning any reasons reversion order passed by reverting the petitioner to the post of VAO, by impugned proceedings, which in the opinion of this Court, cannot be sustained and the same is liable to be set aside.

8. Accordingly, the Writ Petition is allowed and the impugned proceedings dated 26.2.2021 of the 3rd respondent are hereby set aside. The first respondent is directed to include the name of the petitioner in the permanent panel for promotion to the post of Senior Revenue Inspector for the year 2020-21 and consequently, directing the third respondent to promote him to the post of Senior Revenue Inspector on par with his juniors. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected WMPs are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The District Revenue Officer,
Tirunelveli District,

<https://hcservices.courts.gov.in/hcservices/>



3. The Sub Collector,
Tirunelveli District,
Tirunelveli.

+1 CC to M/s. T. ANTONY ARUL RAJ, Advocate (SR-26981[F] dated
23/08/2021)

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+1 CC to M/s. GP (SR-26903[F] dated 23/08/2021)

**W.P. (MD) No. 5563 of 2021 and
WMP (MD) .Nos. 4411 and 8274 of 2021
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RD(20.09.2021) 4P 6C