



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 16.06.2021**

**CORAM:**

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

**W.P(MD)No.10110 of 2021**

M.Karuppiyah

... Petitioner

vs.

1.The Principal Secretary to Government,  
Revenue Department,  
Secretariat,  
Chennai - 600 009.

2.The Principal Secretary and Commissioner  
of Revenue Administration,  
Ezhilagam, Chepauk,  
Chennai - 600 005.

3.The District Collector,  
Madurai District,  
Madurai.

... Respondents

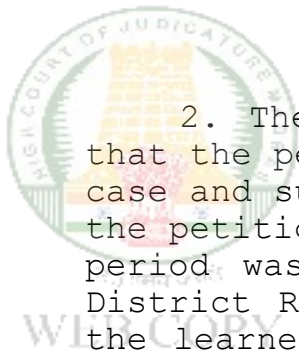
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first and second respondents i.e., the Principal Secretary to Government, Revenue Department, Chennai and the Principal Secretary and Commissioner of Revenue Administration, Chennai, to consider the petitioner's representation dated 09.01.2021 positively based on the earlier orders issued by the Commissioner of Revenue Administration, Chennai, in his proceedings Ser:3(2)/3593/2019, dated 02.07.2019 and Government Letter No.2548/Ser.3(1)/2019-7, dated 14.11.2019 within a specified time frame that may be fixed by this court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.P.Subbaraj,  
Government Advocate

**ORDER**

This Writ Petition is filed seeking for a Writ of Mandamus, directing the first and second respondents i.e., the Principal Secretary to Government, Revenue Department, Chennai and the Principal Secretary and Commissioner of Revenue Administration, Chennai, to consider the petitioner's representation dated 09.01.2021, positively based on the earlier orders issued by the Commissioner of Revenue Administration, Chennai, in his proceedings Ser:3(2)/3593/2019, dated 02.07.2019 and Government Letter No.2548/Ser.3(1)/2019-7, dated 14.11.2019, within a specified time frame that may be fixed by this court.



2. The learned counsel appearing for the petitioner submitted that the petitioner was placed under suspension, based on a criminal case and subsequently, the case was ended in acquittal. Thereafter, the petitioner was allowed to retire from service and his suspension period was also treated as duty, as per the proceedings of the District Revenue Officer, Madurai, dated 17.07.2018. According to the learned counsel, due to suspension, the name of the petitioner was not included in the approved list of Deputy Tahsildars and Tahsildars and his pension has not been refixed. Hence, seeking notional promotion on par with his junior and refixation of pension in the said cadre, the petitioner made a representation dated 14.01.2019, stating the factum of acquittal and the subsequent treating of the suspension period as duty. Since the same has not been considered, the petitioner filed W.P.(MD)No.5151 of 2019. This Court, by order dated 05.03.2019, directed the first respondent to consider the petitioner's representation dated 14.01.2019, in the light of the order of acquittal dated 25.04.2014, passed in S.C.No.18 of 2011 by the Special Court for Vigilance Cases, Madurai, as well as the proceedings dated 17.07.2018, within a period of six weeks from the date of receipt of copy of that order.

3. In compliance of the order of this Court dated 05.03.2019, in W.P.(MD)No.5151 of 2019, the third respondent issued revised list of Deputy Tahsildar for the year 2006, placing the name of the petitioner as 13(A) above one N.Kannuchamy and N.Radhakrishnan and the same was intimated to the petitioner by the proceedings of the first respondent, dated 14.11.2019. The petitioner was given notional promotion as Deputy Tahsildar and his pension was also refixed. According to the petitioner, the name of his junior Radhakrishnan was included in the approved list of Tahsildars for the year 2009. As per the earlier order of this Court dated 05.03.2019, the respondents ought to have included the name of the petitioner in the approved list of Tahsildars for the year 2009 as 6A. Hence, the petitioner has given representation dated 09.01.2021. Since the same has not been considered, the petitioner has come out with the present Writ Petition.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

5. From the materials placed on record, it is seen that this Court by the order dated 05.03.2019, directed the first respondent to consider the representation of the petitioner dated 14.01.2019, wherein he sought notional promotion of Deputy Tahsildar and Tahsildar. As per the order of this Court, the respondents included the petitioner's name in the revised list of Deputy Tahsildars for the year 2006 at 13A above one N.Kannuchamy. However, the respondents have not passed any order including the name of the petitioner in the approved list of Tahsildars for the year 2009.



6. Considering the above materials, the respondents are directed to consider the representation of the petitioner dated 09.01.2021, and pass orders on merits and in accordance with law.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

**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.

Vsm

To

- 1.The Principal Secretary to Government,  
Revenue Department,  
Secretariat,  
Chennai - 600 009.
- 2.The Principal Secretary and Commissioner  
of Revenue Administration,  
Ezhilagam, Chepauk,  
Chennai - 600 005.
- 3.The District Collector,  
Madurai District,  
Madurai.

+1 CC to M/s.SPL GP ( SR-19554[F] dated 17/06/2021 )

+1 CC to M/s.S.VISVALINGAM, Advocate ( SR-19620[F] dated 18/06/2021 )

**W.P (MD) No.10110 of 2021**

**16.06.2021**

GS (28.06.2021) 3P 6C