



WEB COPY

W.P.(MD)No.17288 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2021

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.17288 of 2014

and

W.M.P.(MD).Nos.1 and 2 of 2014

V.Parvathi

... Petitioner

vs..

1.The Principal Secretary to Government,
Revenue Department,
Fort St.George,
Chennai - 9.

2.The Chief Secretary/
Commissioner Revenue Administration,
Chepauk,
Chennai - 5.

3.The Additional Commissioner,
(Revenue Administration),
Disaster Management Department,
Chepauk,
Chennai - 5.

4.The District Collector,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order of the fourth respondent in A6/13489/2014 dated 08.09.2014 and quash the same and consequently direct the fourth respondent to send proposals to the respondents 1 to 3 for relaxing the Rules.

For Petitioner : Mr.V.Perumal

For Respondents : Mr.R.Ragavendran
Government Advocate
(Civil side)

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned

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order of the fourth respondent, dated 08.09.2014 and quash the same and consequently direct the fourth respondent to send proposals to the respondents 1 to 3 for relaxing the Rules.

2. The petitioner's husband died on 19.07.1993 and the petitioner was appointed as Junior Assistant in the year 1995 and completed her probation on 27.11.1997. The petitioner has completed Department test to the post of Assistant in the year 1998 and the Department test for the post of Deputy Tahsildar was completed in the year 2004. Even though, the petitioner has completed her probation, the service was not regularized, since the probation was not declared, subsequently, Bhavani Sahar training was delayed. The fourth respondent, vide letter, dated 22.03.2006, has recommended to relax the Tamil Nadu Subordinate Service Special Rules by obtaining suitable orders from the Government.

3. Thereafter, the Government after considering the same, issued G.O.MS.No.634 (2d) Revenue [Service 6 (2)], dated 21.12.2009, has declared probation retrospectively on 27.11.1997. Since, the probation was declared belatedly, subsequent opportunities to the petitioner were delayed. The specific claim of the petitioner is that, because of this delay, her name was not included in the panel and the same was not the petitioner's fault. All her juniors has been promoted to the post of Deputy Thsildar. If the petitioner was granted Deputy Tahsildar post which was granted to her juniors, then there will be an additional gain for receiving pension. But from the affidavit, it is seen that the petitioner has not given representation to declare her probation at appropriate time.

4. This Court is of the view that since, it is not the petitioner's fault, the respondents ought to have given the relief. Therefore, without considering the entire case on merits, this Court is directing that the proposals shall forwarded by the fourth respondent and the second respondent shall pass order within twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

jbr



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

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Chennai - 9.

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Disaster Management Department,
Chepauk,
Chennai - 5.

4.The District Collector,
Tirunelveli,
Tirunelveli District.

+1 CC to M/s.A.SRINIVASAN, Advocate (SR-36778[F] dated 01/12/2021)

+1 CC to M/s.SPL GP (SR-36716[F] dated 01/12/2021)

W.P. (MD) No.17288 of 2014

and

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30.11.2021

RD(20.12.2021) 3P 7C