



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2021

CORAM

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THE HON'BLE DR.JUSTICE ANITA SUMANTH

W.P.(MD)No. 13727 of 2018

and

W.M.P. (MD) No. 12467 of 2018

1. A. Senthilkumar
2. A. Palanisamy
3. K. Sasireka
4. S. Senthilkumar
5. C. Selvameenal
6. A. Tamilarasi
7. Henri Louise
8. PM. Selvaraj
9. V. Sivajirajan
10. S. Jeyachitra
11. R. Tamilarasi
12. N. Murugesan
13. S. Sumithra
14. L.Raja

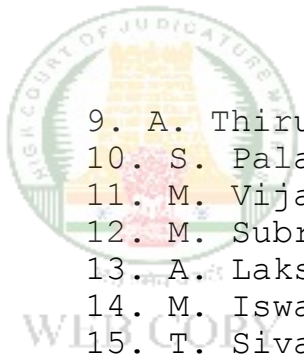
...Petitioners/Petitioners

Vs.

1. The Government of Tamil Nadu,
Represented by its Principal Secretary,
Revenue Department, Secretariat,
Chennai.
2. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Disaster Management and Mitigation
Department, Chepauk, Chennai -5.
3. The District Collector,
Pudukkottai,
Pudukkottai District.
4. The District Revenue Officer,
O/o. The Collectorate,
Pudukkottai,
Pudukkottai District.

5. P. Thanraj
6. P. Rajadurai
7. P. Suseela
8. Gnanasekar

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9. A. Thirupathivenkatachalam
10. S. Palaniyappan
11. M. Vijayalakshmi
12. M. Subramaniyan
13. A. Lakshmanan
14. M. Iswarya
15. T. Sivakumar
16. Mohamad Ismayil
17. M. Thangaraj
18. S. Palanisamy
19. D. Ganesan
20. M. Sekar
21. S. Senthil
22. C. Balamurugan
23. T. Ariyankavu
24. M. Ramesh
25. K. Ramkumar
26. N. S. Senthilkumar

...Respondents/Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for the issuance of a Writ of Mandamus, directing the third respondent not to promote the private respondents No. 5 to 26 as Deputy Tahsildars those who have not completed the collectorate service of one year eight months period, based on the G.O., G.O.(Ms) No. 93 Revenue (Service 6(1)) Department, dated 20.02.2015 and consequently to prepare a regular panel of Assistants in the Department of Revenue for promotion to the category of Deputy Tahsildars as per the existing rules and pass orders.

For Petitioners

... Ms. Vidya

For Respondents

... Mr. V. Om Prakash,
Government Advocate,
for R1 to R4
Mr. Karthik
for M/s. T. Lajapathi Roy
for R5 to R26

ORDER

Heard the submissions of Ms. Vidhya, learned counsel for the petitioner, Mr. Om Prakash, learned Government Advocate for the official respondents R1 to R4 and Mr. T. Lajapathi Roy, learned counsel for the private respondents, R5 to R26.

2. The fourteen writ petitioners in this writ petition have sought a mandamus directing the third respondent, that is, the District Collector, Pudukkottai, not to promote the private respondents who are R5 to R26, since they had not completed the collectorate service of one year and eight months. The petitioners rely on G.O.(Ms) No.93, Revenue (Service 6(1)) Department dated 20.02.2015. The mandamus as sought for is not liable to be granted,



bearing in mind events that have transpired in regard to the promotion of the private respondents in other litigation.

3. A batch of writ petitions appear to have been filed, challenging the seniority list issued by R3 and it is seen that 13 petitioners out of 14 petitioners in this writ petition were petitioners in that batch as well. The writ petitions came to be dismissed by order dated 04.06.2018 and Writ Appeal 836 of 2018 and batch came to be filed by those petitioners. The writ appeal came to be disposed on 30.08.2019 setting out guidelines for fixation of inter se seniority as follows:

"a) the orders impugned in the writ petitions are set aside and the matter is remitted back to the first respondent Government to make necessary amendments to the relevant rules indicating the date of preparing the seniority list by taking note of the observations and findings rendered supra.

b) the preparation of seniority list in this case should not go either by calender year or by fixing 15th March as the crucial date.

c) Such seniority list is to be prepared by giving a reasonable gap between the date of preparation of such list and date of preparation of panel for promotion.

d) the inter se seniority of the direct recruit assistants shall be fixed by strictly following the cyclical order referred to under Clause 9 of Annexure IX of the Tamil Nadu Ministerial Service Rules.

e) the first respondent Government thus shall pass appropriate orders making amendment to the rules as directed supra within a period of two months from the date of receipt of a copy of this order."

4. Pursuant thereto, Government order in G.O.(Ms) No. 106 dated 01.9.2020 has also been passed implementing the order passed in writ appeal. Thus, with the trajectory of litigation as seen aforesaid, this writ petition loses all force and is closed. No costs. Consequently, connected miscellaneous petition is closed.

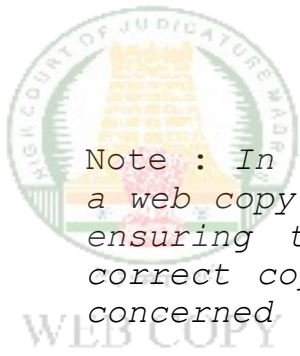
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

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

To

1. Principal Secretary,
The Government of Tamil Nadu,
Revenue Department, Secretariat,
Chennai.
2. The Additional Chief Secretary/
Commissioner of Revenue Administration,
Disaster Management and Mitigation
Department, Chepauk, Chennai -5.
3. The District Collector,
Pudukkottai,
Pudukkottai District.
4. The District Revenue Officer,
O/o. The Collectorate,
Pudukkottai,
Pudukkottai District.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-35782[F] dated 25/11/2021)

+1 CC to M/s.SPL GP (SR-35854[F] dated 25/11/2021)

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and
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RK(31/12/2021) 4P 7C