



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.3715 of 2017

A.Gunasekaran

... Petitioner

Vs.

1.The Secretary to Government,
Revenue Department,
Fort St. George, Chennai-600 009.

2.The Principal Commissioner and Commissioner
of Revenue Administrative, Chepauk,
Chennai-600 005.

3.The District Collector,
Theni District, Theni.

4.The Accountant General,
Anna Salai, Chennai.

... Respondents

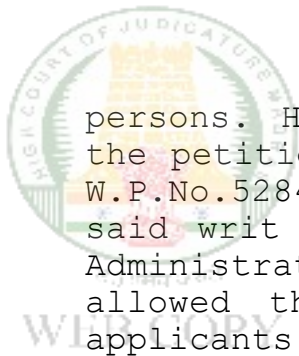
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to notionally promote the petitioner herein as Tahsildar for the year 2001 with effect from the date of promotion of his junior Thiru.R.Kesavan with all monetary benefits and re-fix the pension in the post of Tahsildar and consequentially, disburse the arrears of pension to the petitioner.

For Petitioner	: Mr.A.Thirumurthy for M/s.Victory Associates
For R1 to R3	: Mr.D.Muruganantham Additional Government Pleader
For R4	: Mr.P.Gunasekaran

ORDER

This writ petition is filed for a direction to the first respondent to notionally promote the petitioner as Tahsildar for the year 2001 with effect from the date of promotion of his Junior Thiru.R.Kesavan, with all monetary benefits and re-fix the pension in the post of Tahsildar and consequentially, disburse the arrears of pension to the petitioner.

2.The case of the petitioner is that initially, he was appointed as Record Clerk in the year 1973. While so, the Government has issued G.O.Ms.No.733, dated 05.05.1987, regularizing the petitioner's service along with others, who were similarly placed



persons. However, his service was not regularized. Against which, the petitioner and other aggrieved person, filed a writ petition in W.P.No.5284 of 1987, to quash the said G.O., and thereafter, the said writ petition was transferred to the file of the Tamil Nadu Administrative Tribunal in T.A.No.739 of 1991 and the Tribunal has allowed the petition and relaxing the rules in favour of the applicants are not sustainable and the applicants are entitled to such a relaxation from the date of their initial appointments. Thereafter, the Government has passed revised orders in G.O.Ms.No.400, dated 15.05.1995 implementing the order of the Tribunal. Pursuant to which, the petitioner was promoted as Junior Assistant in the year 1981.

3.Further, the petitioner has averred that he is entitled for being retrospectively promoted as Deputy Tahsildar for the year 1994 and his pay has also to be fixed in the cadre of Deputy Tahsildar from the date on which his Junior viz., Kesavan was promoted. Subsequently, the petitioner was retired from service in the year 2009. The grievance of the petitioner is that one Kesavan, who is Junior to the petitioner was promoted in the post of Tahsildar, for which, the petitioner has made representations dated 07.08.2009, 12.08.2009 and 24.12.2016. So far no order has been passed. Hence, the present writ petition is filed.

4.The learned counsel appearing for the petitioner submitted that this Court may issue a direction to the respondents to consider the petitioner's representation, dated 24.12.2016 with the time as stipulated by this Court.

5.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

6.The facts in the present case are not in dispute. Admittedly, the petitioner was entered into service in the year 1973 and subsequently, he was promoted as Junior Assistant in the year 1981 and retired from service in the year 2009. The claim of the petitioner is that one Kesavan, who is junior to the petitioner, was promoted as Tahsildar in the year 2001. However, no proof was annexed in the writ petition to establish that the said Kesavan is junior to the petitioner and in the absence of any such material, the relief sought for in the writ petition cannot be granted. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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To

1.The Secretary to Government,
Revenue Department,
Fort St. George,
Chennai-600 009.

2.The Principal Commissioner and Commissioner
of Revenue Administrative, Chepauk,
Chennai-600 005.

3.The District Collector,
Theni District,
Theni.

4.The Accountant General,
Anna Salai, Chennai.

+1 CC to M/s.A.THIRUMURTHY, Advocate (SR-9966[F] dated 10/03/2021)

+1 CC to M/s.SPL GP (SR-10186[F] dated 10/03/2021)

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PK(CO)
TR(31.03.2021) 3P 7C