



WEB COPY



W.P.No.11704 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.11704 of 2016

R. Rajendran

... Petitioner

Vs.

1.Government of Tamil Nadu,
Rep. by Secretary to Government,
Revenue Department,
Secretariat, Chennai – 600 009.

2.The Commissioner of Revenue,
Administration,
Chepauk, Chennai – 600 005.

3.The District Collector,
Salem District, Salem.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to include the name of the petitioner in the appropriate place in the temporary list of Deputy Collectors for the year 2014-15 approved by the first respondent in G.O.Ms.No.278, Revenue (SCR-1) Department dated 21.07.2015 and to notionally promote the petitioner as such with retrospective effect from the date of promotion of the petitioner immediate



W.P.No.11704 of 2016

junior and grant him all consequential benefits including revised retirement and pensionary benefits.

For Petitioner : Mr.M. Ravi

For Respondents : Mr.T. Chezhiyan,
Additional Government Pleader

ORDER

The petitioner while serving as a Tahsildar in Thoothukudi District Revenue Unit, had submitted a petition dated 13.06.2012 seeking for temporary relinquishment of his right of empanelment and promotion as Deputy Collector for three years. His request was accepted by the Government in G.O.(2D).No.571, Revenue (Ser-I) Department, dated 10.12.2012.

2. Under Section 57 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (hereinafter called as Tamil Nadu Act 14 of 2016), the relinquishment of rights or privilege for a temporary period shall be accepted, if it is made for a period of not less than three years, subject to the condition that after the expiry of the said period, the claim of the right or privilege will be relinquished with reference to the state of



W.P.No.11704 of 2016

affairs that exist on the date of expiry of the period of relinquishment and without restoration of original seniority.

3. The learned Additional Government Pleader appearing for the respondents placed reliance on the counter-affidavit and submitted that since the petitioner's request for relinquishment of his right of empanelment and promotion was approved by the Government in G.O.(2D).No.571, dated 10.12.2012, the three year period under Section 57 of the Tamil Nadu Act 14 of 2016, would complete only on 09.12.2015 and since the petitioner had retired on 31.08.2015 itself, he would not be entitled for inclusion of his name in the panel for the year 2014-2015.

4. The learned counsel for the petitioner however, made a claim that since the petitioner's request for relinquishment was given on 13.06.2012 itself, the three year period should be calculated only from that day and not from 10.12.2012.

5. The present Writ Petition is only for an issuance of writ of mandamus. Since the respondents have taken a stand that the three year



W.P.No.11704 of 2016

period will be applied from the date of approval of the petitioner's request for relinquishment i.e., from 10.12.2012, this Court will not be in a position to determine the commencement of the three year period. However, since the respondents have passed the Government Order in G.O.(2D).No.571 on 10.12.2012 and the three year period commenced only after the petitioner's retirement, he may not be entitled for notional inclusion of his name in the temporary list in the panel year 2014-2015.

6. However, if the petitioner is of the view that he can claim the three year commencement period with effect from 13.06.2012, liberty is hereby granted to him to workout his remedy in accordance with law.

7. Accordingly, the Writ Petition stands closed. No costs.

12.12.2022

Speaking
Index: Yes
Internet: Yes

Sni



WEB COPY



W.P.No.11704 of 2016

To

1. Secretary to Government of Tamil Nadu,
Revenue Department,
Secretariat, Chennai – 600 009.
2. The Commissioner of Revenue,
Administration,
Chepauk, Chennai – 600 005.
3. The District Collector,
Salem District, Salem.



WEB COPY



W.P.No.11704 of 2016

M.S.RAMESH,J.

Sni

W.P.No.11704 of 2016

12.12.2022