



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2022

CORAM :

THE HON'BLE MR. JUSTICE R. MAHADEVAN

W.P.No.11949 of 2022

S.Mohamed Gani

..Petitioner

Vs.

1. The Secretary to Government,
Revenue and Disaster Management,
Secretariat, Chennai - 600 009.
2. The Principal Secretary/
Commissioner of Revenue Administration,
Revenue Administration,
Chepauk, Chennai - 600 005.
3. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to consider the petitioner's representations dated 19.09.2016, 24.07.2017 and reminder dated 29.04.2022 thereby direct the respondents to include the name of the petitioner in the promotion list for the year 2006 as assistant and in the promotion list for the year 2016 as Deputy Tahsildar and subsequent promotion with attending all benefits within a stipulated period of time.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Mr.A.M.Ayyadurai
Government Advocate

ORDER

According to the petitioner, he was appointed as Junior Assistant in the third respondent office on compassionate grounds and he joined the service on 11.12.1995. His service was regularized by G.O.(2D)No.471, Revenue (Service.9)(1) Department, dated 31.08.2006 and he successfully completed all



the eligibility tests for promotion in the month of May, 2005 itself. But, G.O.(2D) No.321, Revenue (Service.6)(2) Department, dated 02.08.2011, came to be passed belatedly, declaring that the petitioner was fit for promotion to the higher cadre. As a result of the same, his name was not included in the panel for promotion to the post of Assistant for the year 2006 and he was promoted as Assistant only in the year 2012 only.

2.The petitioner further averred that similarly, the petitioner successfully passed the department tests in the year 2016 and was fully eligible for promotion to the post of Deputy Tahsildar, but his name was not included in the panel drawn in the year 2016 and he was promoted as Superintendent (Deputy Tahsildar Cadre) only in the year 2017. Thus, due to the belated issuance of G.O. relating to his eligibility, the petitioner has not been given promotion at the relevant point of time, and resultantly, his juniors were promoted and presently, working as Tahsildar.

3.It is also submitted by the petitioner that though he was issued with a charge memo for unauthorised absence from 05.02.2006 to 23.02.2006 for a period of 19 days, which ended with a punishment of censure, the same cannot be a ground for denying promotion, increment or any other service benefit to him. Stating all those factors, the petitioner gave a detailed representation dated 24.07.2017 to the respondents, requesting to include his name in the list for promotion to the post of Assistant for the year 2006 and grant subsequent promotion and all other attendant benefits. Upon receipt of the same, the third respondent furnished the relevant particulars to the second respondent by his communication in Na.Ka.No.A2/36903/2016 dated 21.01.2022 and recommended to include the name of the petitioner in the promotion panel list for the year 2010. However, till date, no action has been taken by the second respondent, with regard to the claim of the petitioner. Therefore, the petitioner made a reminder dated 29.04.2022 to the respondents in this regard. Finding no response on the same, he has come up with this writ petition seeking a mandamus to the respondents to consider his representation dated 24.07.2017 and reminder dated 29.04.2022 and pass orders, within a time frame to be stipulated by this court.

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

5.In view of the limited relief sought in this writ petition, this court, without going into the merits of the case, directs the second respondent to consider the representation dated 24.07.2017 and reminder dated 29.04.2022 and pass



appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible.

6. Accordingly, writ petition is disposed of accordingly. No costs.

Sd/-
VACATION OFFICER

//True Copy//

Sub Assistant Registrar

mrn

To

1. The Secretary to Government,
Revenue and Disaster Management,
Secretariat, Chennai - 600 009.
2. The Principal Secretary/
Commissioner of Revenue Administration,
Revenue Administration,
Chepauk, Chennai - 600 005.
3. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

+1cc to Mr.B.Gopalakrishnan, Advocate, S.R.No.31118
+1cc to the Government Pleader, S.R.No.31309

W.P.No.11949 of 2022

SSN(CO)
CT 19/05/2022