



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2022

CORAM

The Hon'ble Mr. Justice PARESH UPADHYAY
and
The Hon'ble Mrs. Justice V. BHAVANI SUBBAROYAN

W.A.No.1433 of 2022

&

C.M.P.No.9277 of 2022

1.The State of Tamil Nadu,
Rep., by its Secretary,
Commercial Taxes and Registration
Department, Fort St. George,
Chennai-600 009.

2.The Inspector General of Police,
Registration Department,
Santhome High Road,
Chennai-600 028.

.. Appellants/Respondents

Vs.

1.P.Nagarajan

2.A.Dayabaran

.. Respondents/
Petitioner & 3rd Respondent

Appeal preferred under Clause 15 of Letters Patent against the order dated 02.09.2021 made in W.P.No.12189 of 2009.

Prayer in W.P.No.12189 of 2009: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to G.O.(Ms) No.109 dt.13.11.2008 and G.O(2D) No.179 dt.28.11.2008 issued by the 1st respondent and quash the same in so far as the 3rd respondent's promotion to the post of District Registrar overlooking the petitioner is concerned and consequently direct the 1st and 2nd respondents to consider and promote the petitioner to the post of District Registrar with effect from 28.11.2008 before the 3rd respondent's promotion as much with due seniority, arrears of salary and all consequential benefits.



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For Appellants : Mr.R.Neelakandan,
Addl. Advocate General
assisted by Mr.Abishek Murthy,
Govt. Advocate

For Respondents : Ms.Vaigai,
Sr. Counsel
for M/s.Anna Mathew for R1

JUDGMENT

(Made by PARESH UPADHYAY, J.)

Challenge in this appeal is made to the order dated 02.09.2021 recorded on W.P.No.12189 of 2009. This appeal is by the respondents/ State authorities.

2. Mr.R.Neelakandan, learned Additional Advocate General for the appellants submitted that the order impugned in this appeal is erroneous since the seniority of the writ petitioner/ first respondent would not have been considered from the date of his entry as Junior Assistant since it is a District level post and further promotions are at the State level and therefore that could not be a guiding factor. It is submitted that, on the basis of the precedents relied by the writ petitioner, relief could not have been granted. It is submitted that this appeal be entertained.

3. On the other hand, Ms.Vaigai, learned senior advocate for the writ petitioner/ first respondent has submitted that the issue involved in this matter, as noted by learned single Judge, is already concluded by the number of decisions of this Court and also by the policy of the Government as contained in Government Order which is taken note of by learned single Judge and therefore no interference be made by this Court. Additionally, it is submitted that the Division Bench of this Court in W.P. Nos.17828 to 17832 of 2000 by order dated 24.02.2005 dismissed the writ petitions filed by the State. Specific reliance is placed on para 7 thereof. It is submitted that this appeal be dismissed.

4. Having heard learned counsel for the respective parties and having considered the material on record, this Court finds as under:

4.1 The dispute is with regard to the basis of promotion in the Registration Department of the State, as to whether the entry in the cadre of Junior Assistant should be the guiding



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4.5 There is an additional factor in favour of the writ petitioner. Independent of the findings recorded by learned single Judge, the case of the petitioner is also covered by the decision of the Division Bench of this Court in W.P. Nos.17828 to 17832 of 2000 order dated 24.02.2005. We find that the view taken by learned single Judge, independently is supported by the said decision of the Division Bench.



5. For the reasons recorded above, this writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mmi/4

To

1.The Secretary,
State of Tamil Nadu,
Commercial Taxes and Registration
Department, Fort St. George,
Chennai-600 009.

2.The Inspector General of Police,
Registration Department,
Santhome High Road,
Chennai-600 028.

+1cc to M/s.Anna Mathew, Advocate, S.R.No.34626
+1cc to the Government Pleader, S.R.No.35313

W.A.No.1433 of 2022

SR(CO)
SB(23/06/2022)