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W.P.No.14595 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

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THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.14595 of 2021

R.Suresh

... Petitioner

Vs.

1.The Principal Secretary / Commissioner of Revenue
Administration,
Revenue Administration and Disaster Management
Department,
Fort St.George,
Chennai - 600 009.

2.The District Collector,
Chennai District,
Chennai - 600 001.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent in செ.மு.ஆ.எண்.பணி 4(1)/48356/2017 dated 06.06.2018 and quash the same as illegal in so far as the condition No.6.1 and 6.3 are concerned and consequential impugned order passed by the second respondent in ந.க.எண்.அ2/23243/2020 dated 08.12.2020 and quash the both as illegal and unconstitutional, consequently direct the second respondent to fix the petitioner's seniority in the cadre of Revenue



W.P.No.14595 of 2013

Assistant by considering the petitioner's service rendered in the cadre of Revenue Assistant with effect from 31.12.2012 and grant all service and monetary benefits.

For Petitioner : Mr.R.Venkataraman
Senior Counsel
for Mr.J.Pooventherarajan

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

The only issue that arises for consideration in this Writ Petition is whether the loss of seniority to the petitioner on account of being transferred from Namakkal to Chennai is correct or not.

2. According to the learned senior counsel appearing for the petitioner, under the impugned order dated 06.06.2018, the petitioner's representation has been rejected by total non application of mind, by applying Rule 20 (a) (iii) instead of Rule 20 (a) (i) of the Tamil Nadu Ministerial Service Rules and also by total non application of mind to the decisions rendered in the following matters:

a) Single Bench decision of Madurai Bench of this Court passed in W.P.(MD).No.2657 of 2013 dated 22.11.2018;



b) Single Bench decision of this Court passed in W.P.No.15553 of 2014 dated 26.02.2020.

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3. On the last hearing date on 16.11.2022, the learned Additional Government Pleader was directed to get instructions as to whether any Appeal has been filed against the aforementioned orders passed by the learned Single Judges of this Court and whether any stay order has been obtained.

4. Today, learned Additional Government Pleader appearing for the respondents would submit that in so far as the Single Judge decision of this Court passed in W.P.(MD)No.2657 of 2013 dated 22.11.2018 is concerned, the respondents have filed an Appeal before the Division Bench of this Court in W.A.No.22 of 2020 and the same is still pending and no stay order has been granted. The same is recorded.

5. In view of the non application of mind to the Rule 20 (a) (i) of the Tamil Nadu Ministerial Service Rules and in view of the fact that the Authorities that have been relied upon by the learned counsel for the



petitioner which are referred to supra, have not been considered, this Court is of the considered view that the impugned orders have to be quashed and the matter has to be remanded back to the second respondent for fresh consideration on merits and in accordance with law, within a time frame to be fixed by this Court.

6. This Court is not expressing any opinion on the merits of the case.

7. For the foregoing reasons, the impugned orders dated 06.06.2018 and 08.12.2020 passed by the first and second respondents are hereby quashed and the matter is remanded back to the second respondent for fresh consideration on merits and in accordance with law. The second respondent is directed to pass final orders within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforementioned directions, this Writ Petition is disposed of. No Costs.

23.11.2022

Index : Yes/No
Speaking Order : Yes / No
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To

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ABDUL QUDDHOSE. J.,

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**23.11.2022
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