



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-06-2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.17364 OF 2014

K.Thangavel

... Petitioner

.Vs.

1. The Secretary to Government,
Commercial Taxes and Registration Department,
Fort St. George,
Chennai - 09.

2. The Inspector General of Registration,
Santhome,
Chennai - 28.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records in connection with the impugned order passed by the second respondent in O.Mu.No.18467/A3/A5/2012 dated 02.11.2012 and quash the same and further direct the respondents to promote the petitioner as Sub-Registrar Grade-II and the subsequent promotion as per G.O.Ms.No.2 dated 12.03.2007 and G.O.173 dated 13.10.2010 with all consequential service and monetary benefits.

For Petitioner : Mr.S.Sivakumar

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

O R D E R

The order impugned passed by the second respondent in proceedings dated 02.11.2012 is sought to be quashed in the present writ petition. Further direction is sought for to promote the petitioner as Sub-Registrar Grade-II and consequential benefits as per G.O.Ms.No.2 dated 12.03.2007 and G.O.Ms.No.173 dated 13.10.2010.



2. The petitioner states that he entered into service as Junior Assistant in the Registration Department on 21.07.1981 and his services had been regularised vide G.O.Ms.No.996 dated 25.06.1984. The petitioner was promoted as Assistant on 24.01.1994 and reached the age of superannuation on 28.02.2014 and allowed to retire from service.

3. The petitioner states that he is fully qualified for promotion to the post of Sub-Registrar Grade-II. Despite the fact that the benefit of seniority was conferred on the petitioner with effect from the date of initial appointment on temporary basis, the said benefit was not extended without any valid reason. The juniors to the petitioner were promoted, who were appointed subsequent to the temporary appointment of the writ petitioner. Those persons also had approached the Court and based on the orders of this Court, the respondents issued proceedings dated 07.07.2011 and accordingly extended the benefit of notional promotion and other consequential benefits. Based on the said orders of revision of seniority in proceedings dated 07.07.2011, the petitioner also submitted a representation and the said representation was rejected. Thus the present writ petition is filed.

4. The learned counsel for the petitioner made a submission that the Government issued G.O.Ms.No.548, Personnel and Administrative Reforms Department, dated 19.06.1987 and as per the said Government Order, the seniority of the petitioner is to be fixed with reference to the date of first temporary appointment in the Department Unit in which the petitioner had been absorbed.

5. In the present case, the petitioner joined in the Department in on 21.07.1981 and there was a delay in regularising his services, but the seniority of the petitioner is to be fixed with reference to his initial date of appointment.

6. The learned counsel for the petitioner reiterated that the said benefit of seniority from the date of initial appointment was extended to the other batchmates of the writ petitioner and more-so, the respondent-Inspector General of Registration also passed an order in proceedings dated 07.07.2011, revising the seniority list and granted the consequential benefits.

7. In view of the fact that the benefit of seniority from the date of temporary appointment is already conferred on the writ petitioner with reference to Government Order in G.O.Ms.No.548, dated 19.06.1987, which is the Special Rules governing the employees appointed under Rule 10(a)(i) on temporary basis.



8. In view of the facts and circumstances, the order impugned passed by the second respondent in proceedings O.Mu.No.18467/ A3/ A5/ 2012 dated 02.11.2012 is quashed and the respondents are directed to take into consideration the Special Rules issued in G.O.Ms.No.548, dated 19.06.1987 and revise the seniority of the writ petitioner on par with his juniors and accordingly grant all consequential benefits.

9. Accordingly, the writ petition stands allowed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Secretary to Government,
Commercial Taxes and Registration Department,
Fort St. George,
Chennai - 09.
2. The Inspector General of Registration,
Santhome, Chennai - 28.

+1cc to Mr.S.Sivakumar, Advocate, S.R.No.36296
+1cc to the Government Pleader, S.R.No.36906

W.P.NO.17364 OF 2014

SR(CO)
PBS/30/06/2022