



W.P.No.7982 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7982 of 2017

R.Murugesan

...Petitioner

Vs.

1.The Secretary to Government,
Revenue Department,
Secretariat, Chennai – 600 009.

2.The Additional Chief Secretary and
Revenue Administration Commissioner,
Chepauk, Chennai – 600 005.

3.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent herein in Na.Ka.A1/20123/2016 dated 07.12.2016, quash the same and direct the 3rd respondent herein to promote the petitioner as Deputy Tahsildhar for the year 2013 and refix the petitioner's pension in the promotion post.



For Petitioner : Mr.S.V.Karthikeyan
For R1 to R3 : Mr.A.M.Ayyadurai
Government Advocate

ORDER

The order dated 07.12.2016, rejecting the claim of the writ petitioner for promotion to the post of Deputy Thasildhar in the panel of the year 2013 is under challenge in the present writ petition.

2. The petitioner was initially appointed as Night Watchman in the year 1984. He was appointed as Junior Assistant in the year 1990. He was promoted to the post of Assistant and allowed to retire from service on 31.01.2014 on attaining the age of superannuation. The petitioner submitted representation to the respondents seeking promotion to the post of Deputy Thasildhar by relaxing the necessary rules, considering the length of services rendered by the petitioner.

3. The learned counsel for the petitioner made a submission that there was a delay on the part of the authorities in forwarding the proposal to the competent authorities. On account of delay, the petitioner is unable to get the benefit of relaxation of relevant rules for the purpose of securing the



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promotion to the Post of Deputy Thasildhar. The petitioner sought for relaxation in respect of the Departmental Tests namely Cr.P.C Part-I and Part-II exam.

4. The Government considered the case of the writ petitioner and granted relaxation in G.O.(2D).No.80, Revenue (service.3(2)) Department dated 04.02.2014. However, the petitioner attained the age of Superannuation on 31.01.2014, even before issuing the order of relaxation by the Government.

5. It is an unfortunate situation, where, the petitioner could not able to secure promotion on the day, when the Government passed an order. However, relaxation at no circumstances, be claimed as a matter of right. The Government granted relaxation by way of a concession and before issuing an order of relaxation, the petitioner reached the age of Superannuation on 31.01.2014. Therefore, the benefit of relaxation was unable to be extended to the petitioner since he has reached the age of Superannuation.



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6. However, this Court at this length of time, cannot direct the authorities to implement the Government orders, granting relaxation in favour of the writ petitioner, since even before passing the order, the petitioner was retired from service.

7. The fact remains that the claim of the writ petitioner was for promotion to the post of Deputy Thasildhar and the said promotion cannot be granted, in view of the fact that he was not in service, on the day, in which the Government issued an order, granting relaxation of rules in favour of the writ petitioner.

8. Accordingly, the writ petitioner is not entitled for the relief and consequently, the writ petition stands dismissed. No costs.

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Index : Yes
Speaking order: Yes
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To

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S.M.SUBRAMANIAM, J.

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