



WEB COPY



W.P.No.32179 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.32179 of 2022 &
W.M.P.No.31604 of 2022

R.Selvakumar

... Petitioner

Vs

1.The Commissioner,
Town Panchayat Office,
No.75, Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.

2.The District Collector,
O/o. the District Collector,
Villupuram District.

3.The District Collector,
O/o. the District Collector,
Pudukottai District.

4.The Executive Officer,
Town Panchayat Office,
Keeranur,
Pudukkottai District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to



W.P.No.32179 of 2022

consider the representation of the petitioner dated 21.02.2018 and give promotion to the post of Executive Office Grade-II for the panel year 2016-2017, with retrospective effect from 01.01.2016 as per the judgments reported in MANU/TN/4916/2021 and 2021 SCC Online Mad 9672 and in view of G.O.(2D) No.36, Revenue and Disaster Management Department, Service Wing, Service I Section dated 14.03.2022 and in view of section 7(1) of the Tamil Nadu Government Servant (Condition of Service) Act, 2016 without reference to any subsequent proceedings after the crucial date ie., on 01.01.2016.

For Petitioner	...	Mr.Singaravelan Senior Advocate for Mr.M.Muruganantham
For Respondent 1	...	Mr.M.Shajahan, Special Government Pleader
For Respondents 2 & 3	...	Mr.Naveen Kumar, Government Advocate
For Respondent 4	...	Mr.P.Ganesan, Additional Government Pleader

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the first respondent to pass final orders on the petitioner's representation dated 21.02.2018 seeking for permission to the post of



W.P.No.32179 of 2022

Executive Office Grade-II for the panel year 2016-2017, with retrospective effect from 01.01.2016 within a time frame to be fixed by this Court.

2. Mr.M.Shajahan, learned Special Government Pleader accepts notice on behalf of the first respondent, Mr.Naveen Kumar, learned Government Advocate accepts notice on behalf of the respondents 2 & 3 and Mr.P.Ganesan, learned Additional Government Pleader accepts notice on behalf of the fourth respondent. By consent of both the parties, this writ petition is taken up for final disposal in the admission stage itself.

3. Earlier the petitioner had approached this Court by filing a writ petition in W.P.No.30265 of 2022 and by order dated 14.11.2022, this Court directed the respondents therein to pass final orders on the petitioner's representation dated 26.05.2022 seeking for declaration of his probation in the light of the proceedings of the District Collector dated 14.09.2022 within a period of eight weeks from the date of receipt of a copy of the said order. Now the petitioner claims that he having completed ten years of service, is entitled to be promoted to the post of Executive Office Grade-II



W.P.No.32179 of 2022

for the panel year 2016-2017, with retrospective effect from 01.01.2016. He also claim that earlier he was promoted to the post of Bill Collector in the year 1997, even before declaration of his probation. He has given a representation on 21.02.2018 seeking for promotion to the post of Executive Office Grade-II for the panel year 2016-2017, with retrospective effect from 01.01.2016. He has also relied upon the Judgment of the Hon'ble Supreme Court, G.O.(2D).No.36, Revenue and Disaster Management, Services Wing, Service I Section, dated 14.03.2022 and section 7(1) of the Tamil Nadu Government Servant (Condition of Service) Act, 2016 to substantiate his claim. It is for the respondents to consider on merits and in accordance with law.

4. Heard Mr.Singaravelan, learned Senior Counsel representing Mr.M.Muruganatham, learned counsel for the petitioner, Mr.M.Shajahan, learned Special Government Pleader appearing for the first respondent, Mr.Naveen Kumar, learned Government Advocate appearing for the respondents 2 & 3 and Mr.P.Ganesan, learned Additional Government Pleader appearing for the fourth respondent.



W.P.No.32179 of 2022

5. No prejudice would be caused to the respondents, if the petitioner's representation as stated supra is considered on merits and in accordance with law within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the first respondent to pass final orders on merits and in accordance with law, on the petitioner's representation dated 21.02.2018 seeking for promotion to the post of Executive Office Grade-II for the panel year 2016-2017, with retrospective effect from 01.01.2016, enclosing the decisions, Government Orders and Provisions which he relies upon within a period of twelve weeks from the date of receipt of a copy of this Order, so as to enable the first respondent to consider the same while passing the final orders.

7. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

01.12.2022

nl

Index: Yes/ No
Speaking Order/Non-speaking Order

5/7



W.P.No.32179 of 2022

To
WEB COPY

- 1.The Commissioner,
Town Panchayat Office,
No.75, Santhome High Road,
Raja Annamalaipuram,
Chennai - 600 028.
- 2.The District Collector,
O/o. the District Collector,
Villupuram District.
- 3.The District Collector,
O/o. the District Collector,
Pudukottai District.
- 4.The Executive Officer,
Town Panchayat Office,
Keeranur,
Pudukkottai District.



WEB COPY



W.P.No.32179 of 2022

ABDUL QUDDHOSE, J.

nl

W.P.No.32179 of 2022

01.12.2022