



W.P.No.34573 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34573 of 2019

and

W.M.P.Nos.35296 of 2019 & 20642 of 2020

1.V.Thennarasu

2.V.Sangeetha

3.M.Malathy

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue Department,
Secretariat, Chennai – 600 009.

2.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Personnel and Administrative Department,
Secretariat, Chennai – 600 009.

3.The Principal Secretary /
Commissioner of Revenue Administration,
Revenue Administration and
Disaster Management Department,
Chepauk, Chennai – 600 005.

4.The Director,
Survey & Settlement Scheme,
Chepauk, Chennai – 5.



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5.M.Ganesh

6.Tmt.E.Shanavaze

7.A.Arun Kumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the 3rd respondent order Na.Ka.No.(Pani)4(3) PA.Ve/180/2018 dated 04.12.2019 and quash the same in so far as it relates to respondents 5 to 7 and consequently direct the respondents 1 to 3 to provide the Revenue Inspector training to the petitioners prior to the respondents 5 to 7.

For Petitioners	: Mr.S.Siva Kumar
For R1 to R4	: Mr.D.Gopal Government Advocate
For R5	: No Appearance
For R6 & R7	: Mr.R.Bharath Kumar

ORDER

The order, sponsoring the respondents 5 to 7 to undergo the Revenue Inspector training in proceedings dated 04.12.2012, is under challenge in the present writ petition.



2. The grievance of the writ petitioner is that the respondents 5 to 7, who all were Promotee Assistants were sponsored to Revenue Inspector training, depriving the right of the writ petitioners, who were directly recruited as Assistant, in other words, it is contended that without fixing the seniority in accordance with the rules in force. The respondents 5 to 7 were sponsored for Revenue Inspector training, which was depriving the right of the writ petitioners to get promotion in accordance with the rules in force.

3. The learned Government Advocate appearing on behalf of the officials respondents made a submission that the respondents 5 to 7 have already completed the Revenue Inspector training. The petitioners 1 and 2 have been already sponsored to undergo Revenue Inspector training. The 3rd writ petitioner was yet to send for training.

4. This Court is of the considered opinion that the Revenue Inspector training is to be provided in accordance with the seniority of the employees working in the cadre of Assistant. In the event of sponsoring the candidates to undergo training in violation of seniority, then the senior employees will be deprived of their right of promotion to the higher posts. Such anomalous



situation would not be created by the respondents unnecessarily. The Revenue Inspector training is a requisite qualification for the promotion to the post of Deputy Tahsildar / Superintendent. Therefore, the training is also to be given in accordance with the seniority, enabling the eligible employees to get promotion in the order of their seniority and as per the eligibility in consonance with the rules.

5. Regarding the fixation of seniority, this Court has considered the principles in a batch of writ petitions in ***W.P.No.23302 of 2018 etc. and batch***, and the relevant paragraphs are extracted here under:

“7.This being the principles settled by the Apex Court in number of decisions, this Court is of the considered opinion that the respondents are bound to prepare the Seniority List with reference to Section 40 of the Tamil Nadu Government Servants(Conditions of Service) Act 2016. Accordingly, they are bound to follow the following procedures.

1) The Inter-se Seniority List between the TNPSC appointees, promotees and Compassionate Appointees are to be prepared in the



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order of seniority. The TNPSC candidates as per their Merit Ranking List to be placed first in the seniority list of the particular year. For instance, the seniority List, which is under challenge in the present writ petitions was published on 31.08.2018 as on 01.03.2014. Thus, the TNPSC candidates selected during the year 2013-2014 are to be placed first in the Seniority List as per their Merit Ranking List.

2) Thereafter, the Departmental promotees promoted from the category of Junior Assistant to Assistant are to be placed based on their respective date of joining in the Post of Assistant.

3) Thirdly, the Compassionate Appointees, who all are holding the Post of Assistant are to be placed in the Seniority List based on their respective date of joining in the Post of Assistant for the purpose of finalizing the Seniority list. Thus, it is made clear that at the time of preparation of Inter-se Seniority List, the respondents are bound to follow the above order of



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preference strictly and scrupulously in order to comply with the provisions of the Act in this regard.

8.After finalizing the Seniority List as stated above, the authorities competent are bound to prepare the year-wise panel, considering the availability of vacancies in the post of Superintendent. Accordingly, all eligible candidates, who all are waiting for promotion are to be considered in the order of their respective seniority and thereafter, the approved Panel shall be published and consequently, promotions are to be issued in accordance with the procedures contemplated under the Government orders.

9.As far as the writ petitions in W.P.No.34223 of 2014 and W.P.No.2311 of 2015 are concerned, the respondents are directed to consider their representation for grant of relaxation and if relaxations are already granted, then all suitable actions are to be taken for issuing orders, granting Notional Promotion with reference to their seniority in the cadre of



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Junior Assistant and accordingly, grant all consequential benefits by following the procedures as contemplated.

10.It is made clear that all such cases, where relaxation of rule is required and consequent orders are passed, the respondents are bound to deal with those cases on case to case basis and separate orders are to be passed in respect of insertion of those candidates in the appropriate place in the Seniority List.

11.In view of the above facts and circumstances, the impugned Seniority Lists issued in Na.Ka.No.33085/R1/2018 and R.C.No.33085/R1/2018 dated 31.08.2018 in W.P.Nos.23302 & 23649/2018, as well as the consequential Provisional panel in Na.Ka.No.41717/R1/2016 and R.C.No.41717/R1/2016 dated 04.09.2018 in W.P.Nos.23302 & 23649/2018 stand quashed.

12.The respondents are directed to prepare and publish the Revised Seniority List and consequently, prepare the Panel and grant



promotions to all the eligible persons by following the Statute, Rules and procedures within a period of twelve (12) weeks from the date of receipt of a copy of this order. In the event of any objections from any other individual candidates, who all are not parties before this Court, the same are to be considered by the respective competent authorities and those objections are also to be looked into and appropriate decisions are to be taken in the matter of fixation of seniority.”

6. The above judgment (cited *supra*) reveals that the seniority is to be prepared in accordance with the provisions of the Service Conditions Act and so also the training must be in accordance with the seniority to provide equal opportunity to all the employees, who all are aspiring to secure promotion in accordance with the rules in force.

7. Equal opportunity in promotion is a Constitutional mandate. No employee can be deprived from the right of promotion on par with other similarly placed employees. Therefore, while considering employees for preparation of panel and grant of promotion, the names of the eligible



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persons are to be considered in the order of seniority and based on their respective eligibility in accordance with the rules in force.

8. Thus, the respondents 1 to 4 are directed to prepare the seniority list in accordance with the provisions of the Service Conditions Act and Rules and accordingly, sponsor the eligible candidates to undergo Revenue Inspector training, so as to ensure equal opportunity in the matter of promotion to the higher posts. The said exercise is to be done as expeditiously as possible. until such an exercise is completed, the respondents 1 to 4 shall ensure that junior employees are not sponsored for training superseding the seniors, who all are waiting to undergo the Revenue Inspector training in the order of their respective seniority.

9. With these observations, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes

Speaking order



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To

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The State of Tamil Nadu,
Revenue Department,
Secretariat, Chennai – 600 009.
2. The Secretary to Government,
The State of Tamil Nadu,
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S.M.SUBRAMANIAM, J.

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