



W.A(MD)No.413 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.A(MD)No.413 of 2021
and
CMP(MD)Nos.1541, 10339 and 6293 of 2021

1. S.Premkumar
2. P.Arockia Britto
3. V.Marx
4. M.Muthu Vinayagam
5. A.Antony Samy
6. P.Murugesan
7. A.Chandrasekaran
- R.Tennis Kumar (died)
8. G.Katturaja
9. R.Venkatesan
10. K.Ponnuchamy



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11. A.Arockiaxavier

12. S.Selvakumar

... Appellants

VS.

1. The Commissioner of Revenue
Administration and Disaster Management,
Mitigation Department,
Chepauk, Chennai.

2. The District Collector,
Dindigul District.

3. The District Revenue Officer,
Dindigul District.

4. The Secretary,
Tamil Nadu Public Service Commission,
No.3, Frazer Bridge Road, VOC Nagar,
Chennai-3.

5. M.Chitra,
Senior Revenue Inspector,
Divisional Excise Office, Palani,
Dindigul District.

6. J.Moorthy,
Senior Revenue Inspector,
Collectorate,
Dindigul District.

7. A.Sumathi,
Senior Revenue Inspector,
Collectorate,
Dindigul District.

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8. S.Jesuraj,
Firka Revenue Inspector,
Revenue Divisional Office,
Kallimanthaiyam, Oddanchatram,
Dindigul District.

9. S.Mayavan,
Senior Revenue Inspector,
Revenue Divisional Office,
Palani, Dindigul District.

10. C.Saravanan,
Senior Revenue Inspector,
Collectorate,
Dindigul District.

11. T.K.Ramesh,
Senior Revenue Inspector,
Taluk Office, Palani,
Dindigul District.

12. A.Manoharan,
Firka Revenue Inspector,
Vedasandur, Dindigul District.

13. U.Shenbagavalli,
Firka Revenue Inspector,
Athoor Taluk, Dindigul District.

14. P.Manikandan,
Firka Revenue Inspector,
Korikadavu,
Palani Taluk, Dindigul District.

15. M.Mallika,
Senior Revenue Inspector,

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O/o. The Special Tahsildar,
Settlement Office,
Dindigul District.

16. A.Ilanchelvan,
Firka Revenue Inspector,
Natham Taluk, Dindigul District.

17. P.Chandramani,
Firka Revenue Department,
Palani Taluk, Dindigul District.

18. A.Kavitha,
Senior Revenue Inspector,
O/o. Adi Dravidar Welfare,
Palani Taluk, Dindigul District.

19. B.G.Chandraleka,
Senior Revenue Inspector,
O/o. Adi Dravidar Welfare,
Palani, Dindigul District.

20. R.Mohanadundarai,
Firka Revenue Inspector,
Kottamatham, Vendasandur Taluk,
Dindigul District.

21. P.Parameshwari,
Senior Revenue Inspector,
Collectorate, Dindigul District.

22. M.Soundarapandian,
Senior Revenue Inspector,
Collectorate, Dindigul District.



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23. N.Karuppasamy,
Firka Revenue Inspector,
Kodaikanal, Kodaikanal Taluk,
Dindigul District.

24. C.Kajasheriff,
Senior Revenue Inspector,
West Taluk Office, Dindigul District.

25. P.Sundarapandian,
Senior Revenue Inspector,
Taluk Office, Natham, Dindigul District.

26. V.Amuthamozhi,
Firka Revenue Inspector,
Thoppampatty, Palani Taluk,
Dindigul District.

27. M.Jeyakumar,
Firka Revenue Inspector,
Chinnalapatti, Athoor Taluk,
Dindigul District.

28. M.Amutha,
Firka Revenue Inspector,
Ayyampalayam, Athoor Taluk,
Dindigul District.

29. P.Muthupandi,
Firka Revenue Inspector,
Natham, Natham Taluk,
Dindigul East, Dindigul District.

30. K.Selvi,
Firka Revenue Inspector,



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Natham, Natham Taluk,
Dindigul East, Dindigul District.

31. R.Venkaimarban,
Firka Revenue Inspector,
Senthurai, Natham Taluk,
Dindigul District.

32. J.Ansari,
Firka Revenue Inspector,
Orathattu, Nilakottai Taluk,
Dindigul District.

33. C.Mythili,
Firka Revenue Inspector,
Ottanchatram Taluk,
Dindigul District.

34. T.Muthamilselvan,
Firka Revenue Inspector,
Dindigul West Taluk,
Dindigul District.

35. N.Sankar

36. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Personnel and Administrative Reforms Department,
Fort St. George, Chennai-9.

37. M.Kanagaraj

... Respondents

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent,
against the order passed in W.P(MD)No.5003 of 2018 dated
10.02.2020.



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For Appellants : Mr.R.Rajaraman
For R1 to R3 & R36 : Mr.R.Baskaran
Additional Advocate General assisted by
Mr.S.P.Maharajan
Special Government Pleader
For R4 : Mr.V.Pannerselvam
For R5 to R8, R13, R14, R16 to R18, R20, R28, R30,
R31 & R37 : Mr.T.Lajapathi Roy
For R12 : Mr.S.Kumar
For R9, R11, R19, R21, R25, R26, R29, R30, R31, R33, R23,
R32, R34, R10 & R35 : No appearance

JUDGMENT

(Judgment of the Court was made by R.MAHADEVAN, J.)

The Writ Appeal is directed against the order made in W.P(MD)No.5003 of 2018 dated 10.02.2020.

2. W.P(MD)No.5003 of 2018 was filed to declare Section 1(2) of Tamil Nadu Government Servant (Condition of Service) Act, 2016 as ultra vires and unconstitutional, to quash the order passed in Na.Ka.No.37470/2017/A2 dated 27.11.17 on the file of the 3rd respondent and to direct the 3rd respondent to fix the seniority of Revenue Assistant in Dindigul District, based on the rank list



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submitted by the 4th respondent in the recruitment of CSSE-1-201 as per Section 35A of Tamilnadu State and Subordinate Service Rules.

3. The Writ Court by a common order dated 10.02.2020 in W.P(MD)No.5003 of 2018 and 1697 of 2019, has issued the following direction:-

"7.In the light of the above observations and in consideration of the prayer sought for in W.P(MD)No.1697 of 2019, there shall be a direction to the first respondent to dispose of the petitioners' appeal dated 23.01.2018 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity of hearing to the petitioners as well as the private respondents herein. Such an exercise shall be completed, at least within a period of three months from the date of receipt of a copy of this order.

8.In view of the above direction to consider the appeal, the prayer in W.P.(MD) No.5003 of 2018 does not require consideration."



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4. Today, when the writ appeal was taken up for hearing, learned Additional Advocate General submitted that the prayer of the appellants/writ petitioners is met with by the official respondents and based on the merit based inter-se seniority, panels of Deputy Tahsildars (Re-Revised Panels) from the years 2009 to 2020 were published on 22.04.2022 vide proceedings of the District Collector, Dindigul, in Roc.No.10791/2019(18-26)/A1, wherein, the appellants' names also appear. To that effect, the 2nd respondent/District Collector, Dindigul District, has also filed an additional counter affidavit and the relevant portion thereof is extracted below:-

"4) I further respectfully submit that as per the Additional Chief Secretary / Commissioner of Revenue Administration letter in Ser.4(2)/2160/2020, dated 04.03.2022 based on the Hon'ble Apex Court order dated 21.01.2016 in S.L.P. No.2886 of 2016, revised inter-se-seniority list were published based on merit seniority list received from TNPSC for directly recruited assistants for the year CSSE-I 2009, 2010, 2011-2012, 2012-2013 and 2015-2016 on 04.04.2022 vide the Proceedings of the District Revenue Officer, Dindigul in Roc.No. 37918/2017/A2. Consequently based on the merit based



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inter-se-seniority panels of Deputy Tahsildars (Re-Revised Panels) from the year 2009 to 2020 were published on 22.04.2022 vide the Proceedings of the District Collector, Dindigul in Roc.No.10791/2019(18-26)/A1. It is pertinent to note that Appellants 1, 2, 5, 6, 8 and Respondents 6, 10, 14, 22, 25, 27, 30, 37 of this Writ Appeal found place in the Re-revised list of Deputy Tahsildar published based on the merit seniority for the year 2018, 2019 and 2020 respectively.

5) I respectfully submit that, thereby the prayer of the Petitioner in Writ Appeal is complied with. In so for the prayer of the W.P.(MD) No.5003 of 2018 is settled as well as merit based seniority also implemented, in the interest of public and District Administration, considering the vacancies available in Dindigul District, it is prayed to vacate the interim injunction ordered by this Hon'ble Court in C.M.P (MD) No.1541 of 2021 in W.A.(MD) No.413 of 2021. Hence in the interest of justice, interim order granted by this Hon'ble court on 24.02.2021 may be vacated otherwise this respondent will be put to hardship."

5. Thus, recording the aforesaid submission made by the learned Additional Advocate General and the aforesaid specific



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averments in the additional counter affidavit filed by the 2nd respondent, the Writ Appeal is disposed of, as no further orders are required to be passed in this appeal. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D.,J.] & [J.S.N.P.,J.]
28.11.2022

Index : Yes / No
Internet : Yes
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To

1. The Commissioner of Revenue
Administration and Disaster Management,
Mitigation Department,
Chepauk, Chennai.

2. The District Collector,
Dindigul District.

3. The District Revenue Officer,
Dindigul District.

4. The Secretary,
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No.3, Frazer Bridge Road, VOC Nagar,
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5. The Principal Secretary,
Government of Tamil Nadu,
Personnel and Administrative Reforms Department,
Fort St. George, Chennai-9.



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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

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JUDGMENT MADE IN
W.A(MD)No.413 of 2021
DATED : 28.11.2022