



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.01.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P.[MD].No.22241 of 2021

WEB COPY

C.Kalyanasundaram

... Petitioner

Vs.

1.The Secretary to Government,
State of Tamil Nadu, Revenue Department,
Secretariat, Chennai-9.

2.The Additional Chief Secretary/
Commissioner of Revenue Administration,
Ezhilagam, Chennai-5.

3.The District Collector,
Madurai District,
Madurai.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 06.08.2021 and pass final orders in the proposal regarding the regularization of his service and declaration of probation as directed by the second respondent in his order in Proc.No.Ser.3(2)/1508/2021 dated 02.08.2021 within the time fixed by this Court.

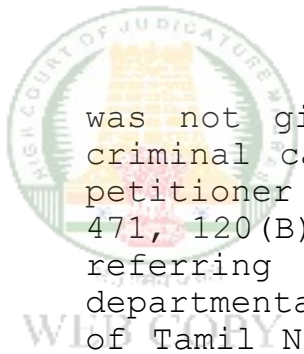
For Petitioner : Mr.H.Arumugam

For Respondents : Mr.P.T.Thiraviam
Government Advocate

ORDER

This Writ Petition has been filed seeking for a direction to the respondents 1 and 2 to consider the petitioner's representation dated 06.08.2021 and pass final orders.

2. Mr.H.Arumugam, learned counsel for the petitioner submits that the petitioner was appointed as Assistant in the year 2001 in the Revenue Department and promoted as Deputy Tahsildar with effect from 01.02.2008. There was a mistake in placing his name in the list of Tahsildar panel and the same was rectified, as per the order passed by this Court. The petitioner is eligible to get promotion as Tahsildar. However, since there was a mistake in the panel list, he



was not given promotion at appropriate time. In the meantime, a criminal case was registered in Crime No.1132 of 2010 against the petitioner for the alleged offence punishable under Sections 419, 471, 120(B) and 420 of IPC and the said case ended in acquittal. By referring the criminal case, the Department has initiated departmental proceedings by issuing charge memo under Section 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules and the same was also dropped on 27.09.2013. However, the petitioner was not given promotion. Hence, the petitioner preferred an appeal on 08.05.2021 seeking to include his name in the list of Tahsildar Panel for the year 2010 before the second respondent and the second respondent directed the third respondent to send proposal for regularization and declaration of probation of the petitioner's service in the cadre of Deputy Tahsildar for getting necessary order from the Government. In pursuant to the same, the third respondent sent the proposal to the second respondent on 19.08.2021. However, the same is pending before the second respondent without any progress.

3. The learned counsel for the petitioner further submits that the petitioner has been denied promotion for the past eleven years and he is going to attain superannuation in the year 2024. He is having only three years of service and therefore, he approached this Court by way of this writ petition.

4. Mr.P.T.Thiraviam, learned Government Advocate takes notice for the respondent and submits that the third respondent has already sent a proposal on 09.09.2021, however, it was returned for certain clarification and it has been now corrected and re-presented. The second respondent will pass suitable orders within a reasonable period of time.

5. Considering the rival submissions made and the fact that the petitioner is having only three years of service and this Court directs the second respondent to take a decision on the proposals sent by the third respondent within a period of two weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar(CS)

ssb



To

1.The Secretary to Government,
State of Tamil Nadu, Revenue Department,
Secretariat, Chennai-9.

2.The Additional Chief Secretary/
Commissioner of Revenue Administration,
Ezhilagam, Chennai-5.

3.The District Collector,
Madurai District,
Madurai.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-881[F] dated 07/01/2022)

+1 CC to M/s.SPL.GP (SR-770[F] dated 07/01/2022)

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06.01.2022

RD(24.01.2022) 3P 6C