



W.P.(MD)No.20017 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.07.2022

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THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.20017 of 2016

and

W.M.P.(MD)Nos.14394 and 14395 of 2016

F.Prabhudhas

... Petitioner

Vs.

1. The Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

2. The District Collector,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the second respondent in Na.Ka.A3/03/2015(1) dated 23.03.2015 and to quash the same and consequently directing the second respondent to revise the Revenue Assistant / Senior Revenue Inspector list for the year 2015 by including the petitioner's name next to serial No.9 and to pay all the monetary and service benefits occurred in the post of Senior Revenue Inspector.



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For Petitioner : Mr.R.Rameez Ajmal Khan
For Respondents : Mr.J.John Rajadurai
Government Advocate

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ORDER

This Writ Petition is filed for issuance of Writ of Certiorarified Mandamus, to quash the impugned order passed by the second respondent vide proceedings in Na.Ka.A3/03/2015(1), dated 23.03.2015 and consequently, direct the second respondent to revise the Revenue Assistant / Senior Revenue Inspector list for the year 2015 by including the petitioner's name next to serial No.9 and to pay all the monetary and service benefits occurred in the post of Senior Revenue Inspector.

2. The learned counsel for the petitioner submitted that the petitioner was selected by the Tamil Nadu Public Service Commission as Village Administrative Officer and joined duty as Village Administrative Officer at Padukapathu Village, Sathankulam Taluk, Tuticorin District on 07.02.2013. Subsequently, he cleared Group-IV Tamil Nadu Public Service Commission examination and was selected for the post of Junior Assistant. Hence, he requested the Revenue Divisional



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Officer, Tiruchendur to relive him from Village Administrative Officer, Padukapathu, enabling him to join in the post of Junior Assistant. By considering his request, the Revenue Divisional Officer, Tiruchendur, vide proceedings in Na.Ka.No.A2/177/2013, dated 02.04.2013, directed the Tahsildar, Sathankulam to relieve the petitioner from the post of Village Administrative Officer, Padukapathu enabling him to join in the post of Junior Assistant. Accordingly, the Tahsildar, Sathankulam relieved him from the post of Village Administrative Officer and he joined as Junior Revenue Assistant on 04.04.2013. He completed the basic training for Government Servant at Bhavani Sagar and the Survey and Settlement Training and passed all the prerequisite test for promotion, namely, Revenue Test Part-I, II, III, Revenue Test Part-I, Second Paper conducted by Tamil Nadu Public Service Commission. Hence, he is fully qualified to be promoted as Assistant. However, the order of promotion list has been issued vide proceedings in Na.Ka.A3/03/2015(1), dated 23.03.2015, in which, his name is not included. On the other hand, five of his juniors who were promoted as Junior Assistant subsequent to his appointment as Junior Assistant, were promoted as Assistant. Therefore, this petition.



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3. In response, the learned Government Advocate appearing for the respondents submitted that the service rendered by the petitioner in the cadre of Village Administrative Officer cannot be taken for declaration of promotion in the cadre of Junior Assistant. This was clarified when the representation of the petitioner, dated 06.04.2015 was forwarded to the Additional Chief Secretary / Commissioner of Revenue Administration, Chennai. The petitioner was also informed about this position vide Office Letter No.A3/1437/2016, dated 27.04.2016. The five Village Administrative Officers mentioned by the petitioner were originally appointed as Village Administrative Officer through the Tamil Nadu Public Service Commission in the year 2008. After completion of five years of service as Village Administrative Officers, they were promoted and appointed as Junior Revenue Assistant in the year 2013. The only disqualification was that since the petitioner has not completed his probation as on the crucial date, i.e., on 15.03.2015, the name of the petitioner has not been included in the Assistant Panel for the year 2015. Therefore, this petition has no merit and is liable to be dismissed.



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4. I have considered the rival submissions made by the learned counsel appearing for the parties and perused the materials placed before this Court.

5. It is true that the seniority list for the post of Junior Assistant prepared as per the proceedings in Roc.No.A1/1/2015, dated 04.02.2015 shows that the petitioner's name is in the Serial No.41. One P.Syedali Fathima and S.Amala Rani were shown as Serial Nos.60 and 61. It is also true that when the impugned order for promotion in Na.Ka.A3/03/2015(1), dated 23.03.2015 was issued, the petitioner's name is not found, but Syedali Fathima and S.Amala Rani were promoted. The only reason for non-including the petitioner's name is that the petitioner has not completed his two years of probation in the post of Village Administrative Officer. The Additional Chief Secretary / Commissioner of Revenue Administration made it clear when a clarification was sought for, the petitioner's service in the cadre of Village Administrative Officer, cannot be considered for declaring probation in the cadre of Junior Assistant. The learned counsel for the petitioner is not able to show nothing contra to this position taken by the respondents. In the said circumstances, this Court finds no merits in this Writ Petition and is liable to be dismissed. The petitioner's case for promotion to



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the post of Assistant / Revenue Assistant may be considered as and when his chance comes.

6. With these observations, this Writ Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

28.07.2022

Index : Yes / No
Speaking Order : Yes / No

vji

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