



W.P.No.11100 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.11100 of 2012

S.Gurumurthy

... Petitioner

Vs.

1. The Secretary to Government,
Commercial Tax and Registration
Department,
Fort St. George,
Chennai – 9.

2. The Inspector General of Registration,
O/o. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Pattinapakkam, Chennai – 28.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to promote the petitioner as Gr.II Sub-Registrar and give consequential further promotions and to disburse the monetary benefits arising there from to him by taking into account the date of regularization of his service as Junior Assistant w.e.f. 01.06.1982 and the date of regularization as Assistant w.e.f. 19.01.1994 and to place his name in the appropriate place in the seniority list.



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For Petitioner : Mr.M.Suresh Kumar

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

This writ petition has been filed to direct the respondents to promote the petitioner as Gr.II Sub-Registrar and give consequential further promotions and to disburse the monetary benefits arising there from to him by taking into account the date of regularization of his service as Junior Assistant w.e.f. 01.06.1982 and the date of regularization as Assistant w.e.f. 19.01.1994 and to place his name in the appropriate place in the seniority list.

2. Heard the learned counsel appearing on either side and perused the material placed before this Court.

3. The petitioner was selected and appointed as Section Writer in the Registration department in the year 1979. His services were regularized and thereafter he was promoted as Junior Assistant with effect from 01.06.1982. Subsequently, he was promoted to the post of Assistant with effect from 19.01.1994. While promoting a person to the



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post of Assistant as grade-II Sub-Registrar, the department has been following district-wise seniority till 1994. At the earlier point of time, several employees who were promoted as Assistants in some of districts could not be promoted. Whereas the juniors in other districts were promoted to the post of grade-II Sub-Registrar. One of the affected employee approached the Tamil Nadu State Administrative Tribunal and he succeeded. Accordingly, the department revised the seniority list of the grade-II Sub Registrar and also paid the arrears of salary.

4. Insofar as the petitioner is concerned, he was issued with charge memo in the year 2007, on the allegation that during the surprise inspection, some money have been recovered from few individuals belonging to the general public and the said amount is intended to give as bribe to various officials including the petitioner. Finally, the petitioner was imposed with a punishment of stoppage of increment with cumulative effect for two years by the proceedings dated 20.10.2011.

5. On perusal of the counter revealed that by the proceedings dated 07.07.2011, orders have been issued for fixing seniority for those



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persons who were eligible to be included in the Sub Registrar Grade -II panel for the year 1997-98. However, the petitioner has not been included because of the charges under Rule 17(b) of the Tamil Nadu Civil Services (Disciplinary & Appeal) Rules, were pending and also punishment was in currency against him. Therefore, the prayer sought for in this writ petition cannot be considered and the writ petition is devoid of merits and liable to be dismissed.

6. Accordingly, the Writ Petition stands dismissed. There shall be no order as to cost.

26.09.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



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G.K.ILANTHIRAIYAN. J,

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