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W.P.No.17554 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.17554 of 2011

M.Subramanian

... Petitioner

Vs.

1.The Secretary to Government,
Public (Special A) Department,
Secretariat, Chennai – 600 009.

2.The Secretary to Government,
Revenue Department, Secretariat,
Chennai – 600 005.

3.The Special Commissioner and Commissioner
for Revenue Administration,
Chepauk, Chennai – 600 005.

4.The Secretary,
Tamil Nadu Public Service Commission,
Chennai – 600 002.

5.The District Collector,
Vellore.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the order of the second respondent Bearing No.(Ms)No.327

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dated 09.07.2010 and quash the same and directing the respondent to refix the petitioner's seniority by including his name in the list of Deputy Tahsildar for the year 1980 and as serial No.6 in the list of Tahsildars in the year 1986, and notionally promote him as Deputy Collector for the year 1995 and as District Revenue Officer for the year 2000 and also directing them to pay the consequential monetary benefits.

For Petitioner : Mr.V.Raghupathi

For Respondents 1 to 3 & 5 : Mr.V.Nanmaran
Additional Government Pleader

For Respondent 4 : M/s.C.N.G.Niraimathi,
and R.Bharanidharan
TNPSC

ORDER

The relief sought by the petitioner in this writ petition is to call for the records pertaining to the order of the second respondent Bearing No.(Ms)No.327 dated 09.07.2010 and quash the same and directing the respondent to refix the petitioner's seniority by including his name in the list of Deputy Tahsildar for the year 1980 and as serial No.6 in the list of Tahsildars in the year 1986, and notionally promote him as Deputy Collector for the year 1995 and as District Revenue Officer for the year 2000 and also



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directing them to pay the consequential monetary benefits.

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2. Learned counsel for the petitioner submitted that the petitioner viz., M.Subramanian was recruited as Direct Assistant through TNPSC and was appointed as Pro Assistant in Salem District Revenue Unit in the year 1972 with effect from 01.07.1972. Though the petitioner had fully qualified for inclusion of his name in the list of Deputy Tahsildar for the year 1978 itself, his name was included only in the year 1986 and promoted as Deputy Tahsildar on 04.03.1994. Subsequently, his name was included in the list of Tahsildar for the year 1997 vide G.O.Ms.No.218 Revenue (Ser.III(1)) Department, dated 30.04.1999. Hence, he exercised Magisterial powers for 180 days from 01.08.1997 to 27.01.1998 in the cadre of Tahsildar. He had continuously worked in the cadre of Tahsildar from 09.03.1998 and retired from service on superannuation as Tahsildar on 29.02.2004. Later, the petitioner sent a representation dated 10.05.2007 before the first respondent seeking to refix his seniority by including his name in the list of Deputy Tahsildar for the year 1980 and as serial No.6 in the list of Tahsildars in the



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year 1986 and notionally promote him as Deputy Collector for the year 2000.

However, the said claim was rejected by the first respondent, since the petitioner was retired on 29.02.2004. Aggrieved over the same, the petitioner has filed this writ petition.

3. When the matter was taken up for hearing, learned Additional Government Pleader appearing for the respondents 1 to 3 & 5 submitted that the District Collector, Vellore/fifth respondent has sent a proposal regarding the petitioner's claim in Rc.No.A1/30917/2007 dated 28.02.2023 to the Additional Chief Secretary, Commissioner of Revenue Administration and Disaster Management, Chepauk, Chennai/third respondent and request three months time for passing appropriate orders to that effect.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Considering the facts and circumstances of the case and the submission made by the learned counsel on either side, the Additional Chief



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Secretary, Commissioner of Revenue Administration and Disaster Management, Chepauk, Chennai/third respondent is directed to pass appropriate orders on the proposal on merits and in accordance with law, within a period of three months, from the date of receipt of a copy of this order.

6. This writ petition is disposed of with the above direction. No costs.

21.04.2023

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Index : Yes/No

Speaking Order : Yes/No

Netural Citation : Yes/No

To:

1.The Secretary to Government,
Public (Special A) Department,
Secretariat, Chennai – 600 009.

2.The Secretary to Government,
Revenue Department, Secretariat,
Chennai – 600 005.

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3.The Special Commissioner and Commissioner
for Revenue Administration,
Chepauk, Chennai – 600 005.

4.The Secretary,
Tamil Nadu Public Service Commission,
Chennai – 600 002.

5.The District Collector,
Vellore.

J.SATHYA NARAYANA PRASAD,J.

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