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Writ Petition No.2738 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.2738 of 2023

and

W.M.P.Nos.2850 & 2851 of 2023

S.Valarmathi

W/o.Selvakumar

...Petitioner

Vs

1.The Additional Chief Secretary/Commissioner
of Revenue Administration,
Chennai - 600 005.

2.The District Collector,
Tiruppur District,
Tiruppur.

3.The District Revenue Officer,
Tiruppur District,
Tiruppur.

4.M.Chandrasekar
Deputy Tahsildar,
Land Transfer (D) Section,
Collectorate, Tiruppur.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned order of reversion passed by the third respondent



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in his proceedings Na.Ka.No.500/2022/A3 dated 18.01.2023 and the consequential order passed by the second respondent in his proceedings Na.Ka.No.100/2022/A7 dated 18.01.2023, quash the same as unsustainable in law and consequently, direct the respondents 1 to 3 herein to depute the petitioner for Police Training forthwith and thereafter, Magisterial Training so as to enable her to become eligible for promotion as Tahsildar.

For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr.D.Ravichander
Special Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the third respondent dated 18.01.2023 and the consequential order passed by the second respondent also dated 18.01.2023.

2. The case of the petitioner is that she was directly recruited as an Assistant and she joined duty on 07.12.2012. Subsequently, the services of the petitioner were also regularised. In the year 2021, the name of the petitioner was included in the panel of Deputy Tahsildars for the year 2021. As per the notification issued by the District Collector dated 13.09.2022, the name of the petitioner is found at Sl.No.11.



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3. Pursuant to the above, the District Collector, Tiruppur, through proceedings dated 13.09.2022 prepared temporary panel of persons whose names were considered for promotion as Deputy Tahsildar and the name of the petitioner was found at Sl.No.6.

4. When the above process was going on, the District Collector, through proceedings dated 22.09.2022, temporarily appointed the petitioner to the post of Deputy Tahsildar at Thavapuram. The grievance of the petitioner is that through the impugned proceedings of the third respondent dated 18.01.2023, the petitioner has been reverted to the post of Senior Revenue Inspector and was posted to the Taluk Office, Udumalpet. A consequential order was also passed by the second respondent on 18.01.2023. Aggrieved by the same, the present writ petition has been filed before this Court.

5. Heard Mr.R.Thamaraiselvan, learned counsel for petitioner and Mr.D.Ravichander, learned Special Government Pleader, appearing for respondents.



6. It is clear from records that the District Collector, Tiruppur, has notified the panel through draft notification dated 13.09.2022 containing the list of names considered for promotion to the post of Deputy Tahsildar. It was also informed to the persons whose names were found in the panel that the promotion will be given subject to the outcome of the special leave petitions that are pending before the Supreme Court and one writ petition that was pending before this Court. This process was not completed and formal orders of promotion and posting were not given by the District Collector.

7. In the mean time, six (6) persons, who were holding the post of Deputy Tahsildar at various stations were sent for Magistrate training. In order to fill up that gap, the petitioner and some others were temporarily appointed as Deputy Tahsildar. Pursuant to the same, the petitioner was working as a Deputy Tahsildar at Thavapuram. The petitioner was also making representations to the effect that she must also be sent for Magistrate training on the presumption that the petitioner has already been promoted as Deputy Tahsildar. Ultimately, the third respondent, through proceedings dated 18.01.2023, placed the petitioner at her original position and this is construed by the petitioner as reversion without notice.



8. In the considered view of this Court, the petitioner has completely misconstrued the purport of the proceedings dated 22.09.2022. By virtue of this proceeding, the petitioner was not given regular promotion to the post of Deputy Tahsildar and the petitioner was merely placed as a Deputy Tahsildar in order to enable the six persons, who were holding the post of Deputy Tahsildars, to be sent for Magistrate training. Immediately, after they return back from the training, the petitioner and others, who were given temporary posting must go back to their original position and they cannot, as a matter of right, retain the position of Deputy Tahsildar. This is in view of the fact that the notification issued by the District Collector, Tiruppur, is yet to translate itself into final promotion orders, which are yet to be given to the petitioner and others whose names are found in the panel.

9. In the light of the above discussion, there is no doubt in the mind of this Court that the proceedings dated 18.01.2023 cannot be construed as reversion and this proceedings had only brought the petitioner to her original position. Hence, there is no ground to interfere with the proceedings of the respondents 2 and 3, dated 18.01.2023.



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10. The panel for promotion to the post of Deputy Tahsildar has already been drawn by the District Collector, Tiruppur and through proceedings dated 13.09.2022, the petitioner and others have already been informed that they will be given promotion subject to the outcome of the certain pending litigations. This has to be acted upon by the second respondent and necessary orders must be passed by granting promotion to the petitioner and others whose names are found in the panel to the post of Deputy Tahsildar. This process shall be completed by the second respondent as expeditiously as possible and in any event, within a period of four (4) weeks from the date of receipt of a copy of this order.

In the result, this writ petition is disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

02.02.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm



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N.ANAND VENKATESH, J

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