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WP.Nos.17613 & 18551/2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.09.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.Nos.17613/2016 & 18551/2016

B.Nagarajan

... Petitioner in
WP.No.17613/2016

N.Rajendran

... Petitioner in
WP.No.18551/2016

Versus

1.The Inspector General of Registration
100, Santhome High Road,
Chennai 600 028.

2.The District Registrar
Krishnagiri, Krishnagiri District.

3.Maya Krishnan

... Respondents in
WP.No.17613/2016

1.The Inspector General of Registration
100, Santhome High Road,
Chennai 600 028.

2.The District Registrar
Thanjavur, Thanjavur District.

... Respondents in
WP.No.18551/2016



WP.Nos.17613 & 18551/2016

Prayer in WP.No.17613/2016 :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus Directing the first respondent herein to consider the representation of the petitioner dated 06.01.2014 25.02.2014 and 21.07.2014 and pass orders within the stipulated time.

Prayer in WP.No.18551/2016 :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus Directing the first respondent herein to consider the representation of the petitioner dated 14.11.2015 and pass orders within the stipulated time.

For Petitioners in both
Writ Petitions : Mr.S.Senthilnathan

For RR 1 & 2 in both the
Writ Petitions : Mr. S.Ravikumar, Spl.GP

COMMON ORDER

- (1) Since the writ petitioners in both the writ petitions seek a mandamus directing the 1st respondent, Inspector General of Registration, Chennai, to consider their representations dated 06.01.2014,



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25.02.2014 and 21.07.2014 given by the petitioner in WP.No.17613/2016 and dated 14.11.2015 given by the petitioner in WP.No.18551/2016 and the representations also sought the same relief, namely to consider them to be promoted as Sub Registrars from the post of Assistant, a common order is passed.

- (2) In the affidavit filed in support of WP.No.17613/2016, the petitioner B.Nagarajan stated that he had originally joined the Registration Department as Record Clerk on 10.08.1983 and after passing his Departmental examinations, he was promoted to the post of Junior Assistant with effect from 15.02.2002. He was also subsequently promoted as Assistant on 14.07.2008. He continued to work as Assistant and retired from service on 31.01.2015 on attaining the age of superannuation.
- (3) In the affidavit filed in support of WP.No.18551/2016, the petitioner N.Rajendran stated that he had joined the Registration Department as Record Clerk on 11.08.1983 and was promoted as Junior Assistant on 03.10.2002 and further promoted as Assistant on 25.06.2008. He retired from service on 31.10.2014 as Assistant.



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- (4) Both the petitioners claim that the seniority which had been assigned to them when they joined the post as Record Clerks and subsequently, when they were promoted as Junior Assistant, had not been adhered to by the respondents and they have mentioned that the juniors to them, specifically V.Maya Krishnan, who had joined the Department as Record Clerk subsequent to the petitioners herein, on 25.06.1984 and who had been later promoted as Junior Assistant and then as Assistant only on 18.06.2009, had been further promoted as Sub Registrar. Claiming that they had been denied this particular promotion as Sub Registrar, both the petitioners had given the aforementioned representations.
- (5) It is only appropriate that the respondents examine the said representations.
- (6) The learned counsel for the petitioners placed reliance on a judgment of a Division Bench of this Court in ***WP.Nos.17828 to 17832/2000 [Secretary to Government, Commercial Taxes Department, Chennai and Another Vs. P.Ramados and Others]***. By a judgment dated 24.02.2005, the Division Bench was examining a writ of



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certiorari seeking interference with an order of the Tamil Nadu Administrative Tribunal dated 03.05.2000, by which, similarly placed petitioners before the Tribunal were considered for promotion to the post of Sub Registrar and it had been held by the Tribunal that the crucial date was the date of promotion as Junior Assistant.

- (7) It would only be appropriate that the respondents examine this particular judgment of the Division Bench and pass necessary orders on the representations. At this passage of time, it is also probable that the representations given by the petitioners, may not be readily available with the 1st respondent.
- (8) A direction is given that both the petitioners may give a fresh representation and also enclose a copy of the order of the Division Bench mentioned supra and a copy of this order. The fresh representation may be given within a period of three weeks from the date of receipt of a copy of this order and thereafter, the 1st respondent may examine the same after examining the Service Records of the two petitioners, pass necessary orders within a further period of eight weeks from the date of receipt of such representations



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from the petitioner.

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(9) Observing as above, the writ petitions stand **disposed of**. No costs.

15.09.2023

AP

Internet : Yes

To

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- 2.The District Registrar
Krishnagiri, Krishnagiri District.
- 3.The District Registrar
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C.V.KARTHIKEYAN, J.,

AP

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