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Crl.O.P.No.362 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM

THE HONOURABLE Mr. JUSTICE R.VIJAYAKUMAR

W.P.No.26679 of 2016
and
W.M.P.No.22897 of 2016

A. Vijayarani

... Petitioner

Vs.

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

2. The District Collector
Namakkal District Namakkal
Respondents

...

PRAYER: This Writ petition is filed under Article 226 of the Constitution of India seeking for a writ of Mandamus directing the respondents to consider the representation of the petitioner dated 06.06.2016 in respect of including the name of the petitioner in the list of Promotion to the post of Tahasildhar within the Namakkal Revenue District at par with her juniors vide proceedings in Roc. 1861/2012/A2 dated 04.02.2013 of the first respondent and to step up the pay of the



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petitioner on par with juniors as per fundamental rules with all benefits attached thereto and pass orders

For Petitioner : Mr.K.A. Mariappan
For Respondents : Mr. G. Shahjahan
Special Government Pleader

ORDER

The present writ petition has been filed seeking for a writ of Mandamus to consider the representation of the petitioner dated 06.06.2016 to include her name in the pannel for promotion to the post of Tahasildhar within the Namakkal Revenue District on par with her junior vide proceedings in Roc.No.1861/2012/A2 dated 04.02.2013 of the first respondent.

2. According to the petitioner, she was appointed as Junior Assistant in the Revenue Department in the year 1988 and promoted to



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the post of Deputy Tahasildhar in the year 2006. While she was working as Deputy Tahasildhar in Namakkal District, disciplinary proceedings were initiated against her in TDP.No.10/11 dated 06.07.2011. Later she was discharged from all the charges by the Tribunal on 17.05.2014.

3. According to the petitioner herein, her name was not considered for the post of Tahasildhar and her name was not included in the promotional panel for subsequent years i.e 2007-2011. Therefore, the petitioner had sent a representation to the District Collector, Namakkal. However, the said representation was rejected by the District Collector by an order dated 10.12.2015, on the ground that she has been convicted in the proceedings initiated under Section 138 of Negotiable Instruments Act.

4. Thereafter, the petitioner has filed a Criminal Appeal No.55 of 2015 and she has been acquitted by the learned Fast Track Mahila Court, Karur on 06.04.2016. Enclosing the said order, the petitioner had again sent a representation to the second respondent herein seeking to include



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her name in the panel of Tahasildhar and promote her to the post of Tahasildhar, Namakkal District from the year 2012 onwards.

5. Since the said representation has been received by the second respondent herein and there was no response from the second respondent, the petitioner has filed this writ petition.

6. I have considered the facts and circumstances of the case. The petitioner's name was first deleted from the panel of Tahsildar due to the pendency of the disciplinary proceedings pending before the Commissioner Tribunal in TDP No.10/11 dated 06.07.2011. Thereafter, the petitioner's request to consider her name to the post of Tahsildar was rejected on the ground that she has been convicted under the proceedings initiated under Section 138 of the Negotiable Instruments Act. Now, that she has been discharged from the disciplinary proceedings and also acquitted from the criminal case. This Court does not find any legal impediment for the respondents herein to consider the request of the petitioner.



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7. In view of the above said findings, the respondents herein are directed to consider the representation of the petitioner 06.06.2016 and pass order on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

8. This writ petition is allowed with the above said directions. Consequently the connected miscellaneous petition is closed.

06.03.2023

smn

Internet: Yes/No

Index: Yes/No

To.

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

2. The District Collector
Namakkal District Namakkal



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R.VIJAYAKUMAR,J.

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