



Cont.P.No.1289 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Contempt Petition No.1289 of 2022

R.Thirugnanam

... Petitioner

Vs.

1. Kumar Jayant, I.A.S.,
Principal Secretary to Government,
Revenue Department,
Secretariat,
Fort St.George,
Chennai – 600 009.
2. M.A.Siddique, L.A.S.,
Principal Secretary/Commissioner of
Revenue Administration,
Revenue Administration
and Disaster Management,
Ezhilagam,
Chennai – 600 005.
3. P.Sri Venkata Priya, I.A.S.,
District Collector,
Collectorate,
Perambalur District.

... Respondents



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Contempt Petition filed under Section 11 of Contempt Act, 1971, praying to punish the respondents for willful disobedience and violation of the order dated 04.02.2020 passed in W.P.No.12692 of 2010 on the file of this Court.

For Petitioner : Mr.Ravi Paul
Senior Counsel
for Mr.R.Bharath Kumar

For Respondents : Mr.V.Arun,
Additional Advocate General
Assisted by,
Mr.G.Nanmaran,
Special Government Pleader

ORDER

The present Contempt Petition has been filed by the petitioner alleging non-compliance of the order of this Court passed in W.P.No.12692 of 2012 dated 04.02.2020.

2. The learned senior counsel appearing for the petitioner submitted that in the order passed by this Court in W.P.No.12692 of 2012 dated 04.02.2020 it has been observed as follows:-

5. Admittedly, there were four vacancies fell vacant to the post of Deputy



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Tahsildar. The Third respondent, District Collector, has rightly sent a proposal for drawing the panel for the year 2001. In a similar circumstance, when the non-inclusion of the name in the panel was complained before this Court, a direction was given to the first respondent to consider and pass orders. It is also relevant to point out that preparation of mandatory exercise to be done by the Government. The person eligible for that year will have preference for promotion for clubbing the panel for the subsequent years will deprive the eligible candidates to compete with the petitioner along with his juniors for that particular year, will amount to treating unequals with equals and thereby violative of Articles 14 and 16 of the Constitution of India.

As admitted in Paragraph No.5 of the order there were four vacancies which fell vacant to the post of Deputy Tahsildar and the third respondent/District Collector, Perambalur District has sent a proposal for drawing the panel for the year 2001. Even though there were four vacancies, no panel was prepared for the year 2001 till date. In the order passed by this Court a direction was issued to the third respondent viz., The District Collector, Perambalur District to prepare the year wise panel for the year 2001 to 2005 separately and forward the same to the first respondent for passing appropriate orders. Despite the above direction, the third respondent/District Collector, Perambalur District did not prepare the panel for the above mentioned years. The learned senior counsel further submitted that the petitioner was eligible



for promotion as Tahsildar in the year 2001 itself and if his name was included in the panel in that year he would have been promoted as Tahsildar in the year 2001 instead of 2006. Hence the respondents must be punished for their willful disobedience and violation of the order passed by this Court in W.P.No.12692 of 2012 dated 04.02.2020.

3. The learned Additional Advocate General appearing for the respondents filed a counter affidavit dated 13.02.2023 and the relevant portion is extracted as hereunder:-

“5. It is further submitted that, the Hon'ble High Court has observed in para 5 of the order dated: 04.02.2020 in W.P.No.12692/2012 that, “the District Collector, Permbalur has rightly sent a proposal for drawing the panel for the year 2001. It is admitted that the then District Collector, Perambalur in his letter No.A2/19197/2002 dated: 19.07.2002 has requested for permission for the drawal of the revised list of the Deputy Tahsildar for the year 2001 for the enlarged Perambalur District with 5 persons, against 6(six) vacancies for the post of Deputy Tahsildar approved earlier for the newly formed Ariyalur District. However, the Commissioner of Revenue Administration, after careful examination, his communication Roc.No.Ser III(2)/84691/2001, dated 17.12.2002 had informed that the request cannot be complied with. Since, after the merger of the two Districts, there is possibility for reduction of staff pattern and the next panel year 2002 already commenced. Further it is submitted that there were no merger of panel or clubbing of panel as



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the proposal for re-drawal of panel of Deputy Tahsildar for the year 2001 for the enlarged Perambalur District was rejected and none of the right of petitioner was deprived since no physical vacancy to the post of Deputy Tahsildar was available. For this reason only, no panel of Deputy Tahsildar was drawn during the subsequent years (i.e.2002,2003 and 2004) for Perambalur District. Only during the year of 2005 nine vacancies for the post of Deputy Tahsildar have been arrived for the year 2005 and the panel was drawn. This fact was not brought to the notice of this Hon'ble Court during the hearing of the W.P.No.12692 of 2012”.

4. He further submitted that the first respondent issued G.O.(2D) No.176, Revenue and Disaster Management Department, Services Wing 3(2) Section dated 17.08.2022 in compliance to the order passed by this Court in the W.P.No.12692 of 2012. But subsequently the above said order was withdrawn by the third respondent and a revised order vide G.O.(2D) No.223, Revenue and Disaster Management Services Wing, Services 3(2) Section dated 13.10.2022 in compliance of the order passed by this Court and the relevant portion is extracted as hereunder:-

6) Out of 6 vacancies (approved for the newly formed Ariyalur District), One Thiru.P.Sinnagurusamy was found to be the only qualified hand (he opted for Ariyalur district from Composite Perambalur District during bifurcation), in the Ariyalur District, for the post of Deputy Tahsildar for the year 2001. Hence, his name was included in the list of Deputy



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Tahsildar 2001, and promoted as Deputy Tahsildar in the newly formed Ariyalur District Tahsildar (in the newly formed Ariyalur District), the remaining 5 vacancies were kept unfilled and treated as lapsed.

8) Consequent to the merger of Ariyalur District, the District Collector, Perambalur District, has requested permission for the drawal of the revised list of Deputy Tahsildar for the year 2001 for the enlarged Perambalur District i.e. after the merger of the Ariyalur District with Perambalur District, with 5 persons, as against 6 (six) vacancies approved earlier (for the newly formed Ariyalur District) i.e. for utilizing the vacancies approved for Ariyalur District with Perambalur district.

9) In the letter sixth read above, the Special Commissioner/Commissioner of Revenue Administration, Chennai, has informed that the District Collector, Perambalur that the said request cannot be complied with, since after merger of two districts, there is no possibility for the increase in the staff pattern though there is every possibility for reduction of staff pattern and also the period for the next panel year 2002 had commenced already

5. In the same above Government Order it is also mentioned that in the year 2001 as per the direction of this Court the revised panel for the year 2001 for the enlarged Perambalur District Revenue Unit has been arrived and it is extracted hereunder:-

d) Accordingly, as per the directions of the Hon'ble High Court, the revised panel for the year 2001, for the enlarged Perambalur District Revenue Unit, has been arrived as follows:



Sl. No.	Turn No.	Community	Name	Remarks
1	-	SC	Thiru.P.Sinnagurusamy	Since, one vacancy only arrived for the enlarged Perambalur District and Thiru.P.Sinnagurusamy has already been included for the year 2001 in erstwhile Ariyalur District his name is included without considering the turns.

d) Since, the seniors in the cadre of Assistant, to the petitioner Thiru.R.Thirugnanam, had acquired all the requisite qualifications, for the post of Deputy Tahsildar, for the year 2005, before the crucial date of 15.09.2005, their name had been considered as stated in para (9.2) supra and included for the year 2005. It is further stated that, even though the writ petitioner Thiru.R.Thirugnanam was qualified his name could not be considered for this panel due to the reason that he didn't had the seniority and his name did not reached the zone of consideration of 1:2 ratio during the crucial date.

6. The learned Additional Advocate General further submitted that in the paragraph No.5 of the order in W.P.No.12692 of 2012 it was admitted that there were four vacancies to the post of Deputy Tahsildar and the third respondent/District Collector has also sent a proposal for drawing the panel for the year 2001. **But the above proposal was rejected by the 2nd respondent vide letter ROC.No.Ser III (2)/84691/2001 dated 17.12.2002 addressed to the third respondent/District Collector, Perambalur and the**



relevant portion is extracted as follows:-

“I invite your attention to the reference cited and wish to state that after the merger of the two districts, there is no possibility for the increase in the staff pattern though there is every possibility for reduction of staff pattern. Furthermore, the next panel year 2002 already commenced. I therefore, request you to send the proposal for the year 2002. Further, it is informed that your present request cannot be complied with”.

7. The learned Additional Advocate General further submitted that the above letter was not brought to the knowledge of the learned Judge by the learned Government Pleader while the order was passed in W.P.No.12692 of 2012.

8. Heard both sides and perused the materials available on record.

9. In this case in the order passed by this Court in W.P.No.12692 of 2012 a direction was given to the third respondent to prepare the panel for the year 2001 to 2005 and send the same to the first respondent for passing appropriate orders and admittedly there were four vacancies in the Perambalur District in the year 2001, even prior to filing of the writ petition. The proposal which was sent by the third respondent/District Collector,



Perambalur District for preparing the panel for the year 2001 by letter dated 19.07.2002 was rejected by the second respondent vide ROC.No.Ser III (2)/84691/2001 dated 17.12.2002 but the same was not brought to the knowledge of the learned Judge at the time of passing the order. It is the duty of the learned Government Pleader appearing in the case to assist the Court and to bring to the knowledge of the Court all materials and facts before the orders are passed by the Court. In this case, the learned Additional Advocate General mainly relied upon the letter dated 17.12.2002 which rejected the proposal sent by the third respondent/District Collector, Perambalur District for the year 2001 for preparing the panel for the four vacancies which felt vacant to the post of Deputy Tahsildar. The above rejection order was passed in the year 2002 and the order passed by this Court was in the year 2020.

10. The respondents after receiving the copy of the order should have perused the order and filed a review application to review the order passed by this Court by drawing the attention of this Court to the rejection order dated 17.12.2002 passed by the second respondent, but failed to do so. After nearly three years, the first respondent has passed G.O.(2D).No.223, Revenue and Disaster Management Services Wing, Services 3(2) Section dated 13.10.2022



and the relevant portions are extracted hereunder:-

d) Since, the seniors in the cadre of Assistant, to the petitioner Thiru.R.Thirugnanam, had acquired all the requisite qualifications, for the post of Deputy Tahsildar, for the year 2005, before the crucial date of 15.09.2005, their name had been considered as stated in para (9.2) supra and included for the year 2005. It is further stated that, even though the writ petitioner Thiru.R.Thirugnanam was qualified his name could not be considered for this panel due to the reason that he didn't had the seniority and his name did not reached the zone of consideration of 1:2 ratio during the crucial date.

15) In compliance with the above Hon'ble High Court direction as per the Government letter dated: 11.08.2022, the list of the panels for the post of Deputy Tahsildar from 2001 to 2005 have been redrawn again by the District Collector, Perambalur. As explained in supra, the name of the petitioner Thiru.R.Thirugnanam, could not be included in the panel of Deputy Tahsildars during the year 2001 to 2005 according to his seniority due to following reasons;

a) No vacancies were available at the bifurcated Perambalur district during the year 2001.

b) No vacancies were available at the amalgamated Perambalur district due to disbandment of certain posts after the merger of the two districts.

c) The vacancies approved for the newly created Ariyalur district

cannot be utilised for the unified Perambalur district.

d) Since the persons who have already been elevated as Deputy



Tahsildars during the year 2000 & 2001 have been subsequently reverted as Assistants after the merger.

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e) None of the juniors of Thiru.T.Thirugnanam have been promoted during the year 2001 to 2005 and for the year 2005, the persons who were seniors to the petitioner Thiru.R.Thirugnanam had become eligible.

f) Though the individual is fully qualified for inclusion in the Deputy Tahsildar panel for the year 2001 his name has not come under the zone of consideration for the Deputy Tahsildar panels for the years 2001,2002,2003,2004 and 2005.

16. From the above it is clear that only his seniors were included in the 2001 and 2005 Deputy Tahsildar panels. Though he is qualified for inclusion of his name in the Deputy Tahsildar panels for the year 2001 to 2005 his name has not come under the zone of consideration in the above panels. Therefore, the Government, have decided to reject the request of Thiru.R.Thirugnanam, Perambalur District Revenue Unit to include him in the Deputy Tahsildar Panel for the year 2001 and order accordingly.

11. In the above G.O. passed by the first respondent it is stated that the petitioner did not reach the zone of consideration of 1:2 ratio during the crucial date, though he is qualified for inclusion of his name in the Deputy Tahsildar panel for the year 2001 to 2005. It is pertinent to extract the operative portion of the order dated 04.02.2020 in W.P.No.12692 of 2012 and the same is extracted hereunder:-

9. In the considered opinion of this Court, the petitioner, if found



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eligible, will be considered for further promotion according to law. The respondents are directed to complete the exercise within a period of three months from the date of receipt of a copy of this order.

12. Even as per the order, the petitioner shall be considered only if found eligible. Now the respondents by way of G.O.(2D) No.223, Revenue and Disaster Management Services Wing, Services 3(2) Section dated 13.10.2022 has categorically stated that the petitioner is not eligible for the panel of the year 2001 – 2005 and has not reached the zone of consideration 1:2 ratio and for other reasons mentioned therein. More over in the said G.O. it is clearly mentioned “Nil” panel for the year 2002, 2003 and 2004 and even in the panel of the year 2005, 18 persons were considered out of which 9 persons were included in the panel for the year 2005 by adopting rule of reservation. 9 persons who were seniors in the cadre of Assistant acquired all requisite qualification for the post of Deputy Tahsildar for the year 2005 before the crucial date 15.09.2005. In view of the above G.O. it is crystal clear and evident that the petitioner did not reach the zone of consideration for inclusion of his name in the Deputy Tahsildar panel in the year 2001 – 2005. Hence this Court is of the considered view that the order passed by this Court has been complied in letter and spirit by the respondents and there is no



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willful disobedience nor violation of the order dated 04.02.2020 passed in

W.P.No.12692 of 2012

13. In the result, contempt petition is closed. It is open for the petitioner to challenge the above said Government Order in the manner known to law.

03.03.2023

Speaking (or) Non Speaking Order

Index : Yes/ No

dpq

J. SATHYA NARAYANA PRASAD, J

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