



WEB COPY



W.P.No.23280 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.23280 of 2023

N.S.Rajeshkumar

... Petitioner

Versus

1.The State of Tamilnadu rep. by
its Secretary to Government,
Dept. of Revenue and Disaster Management,
Secretariat,
Chennai – 600 009.

2.The District Collector,
Salem District,
Salem – 636 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue Writ, Order or direction specifically Writ in the nature of Mandamus directing the 1st respondent to consider the proposal for relaxation of Rule 30(b) of the Tamil Nadu Ministerial Service Rules submitted by the 2nd respondent in Na.Ka.No.15316/2011/A3 dated 20.01.2023 to place the name of the petitioner in the appropriate place in the seniority list of the year 1998 for the post of Assistant, seniority list of the year 2009 for the post of Deputy Tahsildar, seniority list of the year 2012 for the post of Tahsildar and seniority list of the year 2019-2020 for the post of Deputy Collector, by considering his representations dated 22.11.2022, 25.04.2023, 10.05.2023, 23.05.2023, 07.06.2023 and 17.07.2023.

For Petitioner : Mr.N.Manoharan

For Respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader



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ORDER

This Writ Petition has been filed to direct the 1st respondent to consider the proposal for relaxation of Rule 30(b) of the Tamil Nadu Ministerial Service Rules submitted by the 2nd respondent in Na.Ka.No.15316/2011/A3, dated 20.01.2023 to place the name of the petitioner in the appropriate place in the seniority list of the year 1998 for the post of Assistant, seniority list of the year 2009 for the post of Deputy Tahsildar, seniority list of the year 2012 for the post of Tahsildar and seniority list of the year 2019-2020 for the post of Deputy Collector, by considering his representations dated 22.11.2022, 25.04.2023, 10.05.2023, 23.05.2023, 07.06.2023 and 17.07.2023.

2.The grievance of the Writ Petitioner is that he has been appointed as Junior Assistant in the year 1995 in the 2nd respondent Office. Since there was administrative delay in declaring the probation of the petitioner, he could not undergo foundational training at Bhavanisagar, Erode District. Later, as per G.O.Ms.No.77, Personnel & Administrative Reforms (P) Department, dated 26.04.1999, the probation of the petitioner declared on 15.09.2001. Due to administrative reasons, the petitioner was subjected to foundational training between 22.10.1999 to 20.12.1999, which was



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brought to the knowledge of the 1st respondent through the 2nd respondent vide proceedings, dated 30.04.2007 and 04.05.2007. Thereafter, as per G.O.(2D)No.460, Revenue (Ser6(2)) Department, dated 30.07.2007, the above said anomaly has been set right. In view of the same, the grievance of the petitioner is that his name should be included in the seniority list of the year 1998 for the post of Assistant. In this regard, the 2nd respondent has submitted a proposal to the 1st respondent in Na.Ka.No.15316/2011/A3, dated 21.02.2023 for relaxation under Rule 30(b) of the Tamil Nadu Ministerial Service Rules. Similarly, in the year 2010 itself, the Joint Commissioner of Revenue Administration, Chennai addressed a letter to the 1st respondent for relaxation of such rule in favour of the petitioner. Despite such recommendation, no order has been passed by the 1st respondent.

3.The learned counsel appearing for the respondents submitted that since the recommendations have been made by the 2nd respondent and also the Joint Commissioner of Revenue Administration, Chennai to the 1st respondent, appropriate orders will be passed within a short period.



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4.On perusal of the records, it is seen that the 2nd respondent as well as the Joint Commissioner of Revenue Administration, Chennai recommended for relaxation under Rule 30(b) of the Tamil Nadu Ministerial Service Rules to place the petitioner's name in the seniority list for the post of Assistant prepared in the year 1998.

5.In such view of the matter, there shall be a direction to the 1st respondent to pass order for relaxation under Rule 30(b) of the Tamil Nadu Ministerial Service Rules to place the petitioner's name in the seniority list for the post of Assistant prepared in the year 1998, within a period of three months, from the date of receipt of a copy of this order.

6.With the above directions, this Writ Petition is disposed of. No costs.

08.08.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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To



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N.SATHISH KUMAR, J.
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