



W.P.(MD)No.4263 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4263 of 2023

T.J.Indhiragandhi

... Petitioner

Vs.

1. The State,
Represented by its Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

2. The Additional Chief Secretary and
Commissioner of Revenue Administration,
Ezhilagam,
Chepauk,
Chennai - 600 005.

3. The District Collector,
Ramanathapuram District,
Ramanathapuram.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's seniority based on his representation dated 11.01.2023 to include his name in the seniority list of fresh panel of Revenue Assistants in the year 2012 announced by the third respondent in Na.Ka.A2/8334/2013, dated 28.12.2022 as per the order of this Court in W.P.(MD)No.23155 of 2015 and include his name in the temporarily promoted and appointed Deputy Tahsildar's list consequently released by the third respondent in proceedings Na.Ka.A.1/1110/2022, dated 30.12.2022.

For Petitioner : Mr.M.Pandiarajan

For Respondents : Mrs.K.Christy Theboral
Additional Government Pleader

ORDER

This Writ Petition has been filed for a direction to the respondents to consider the petitioner's seniority based on his representation dated 11.01.2023 to include his name in the seniority list of fresh panel of Revenue Assistants in the year 2012 announced by the third respondent in Na.Ka.A2/8334/2013, dated 28.12.2022 as per the order of this Court in



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W.P.(MD)No.23155 of 2015 and include his name in the temporarily promoted and appointed Deputy Tahsildar's list consequently released by the third respondent vide proceedings Na.Ka.A.1/1110/2022, dated 30.12.2022.

2. The case of the petitioner is that the petitioner was appointed as Typist by direct recruitment through Tamil Nadu Public Service Commission in the year 2009 and was posted in the office of the Taluk Office, Mudukulathur, Ramanathapuram District. In year 2012, a panel for the post of Revenue Assistants was drawn as 'Nil' as there were no qualified persons available. However, the petitioner has completed his probation in the year 2011 itself and have also completed all the departmental tests within the year 2012. But the petitioner's name was not included in the 2012 panel, as the petitioner has not completed Survey Training and the Junior Assistant Training on the crucial date, i.e., 15.03.2012. The petitioner has contended that sending for training is not in the hands of the petitioner and it is for the employer to provide necessary training and hence, delay in giving training cannot be taken as a ground to deny promotion to the



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petitioner. In the meanwhile, the petitioner has completed Survey Training on 29.03.2012 and Junior Assistant Training on 13.01.2013. Thereafter, his name has been included in the panel for the post of Revenue Assistant in the year 2013 and subsequently, posted as Revenue Assistant. Hence, the petitioner has submitted a representation on 12.02.2013 to the third respondent requesting him to include his name in the year 2012 panel and to place him in the seniority list by providing necessary exemption for undergoing trainings. In the sequence of the claim, this Court, by order dated 12.08.2022 in W.P.(MD)No.23155 of 2015, held that *"the service qualification cannot be put against the petitioners. In this point, the petitioners are eligible to be included in the panel of 2012 itself"*. Therefore, the respondents were directed to draw a fresh panel including the name of the petitioner in the year 2012 and grant promotion to him with applicable monetary benefits. The order of this Court was partially complied by the third respondent by drawing a fresh panel of the Revenue Assistants seniority list for the year 2012 by including the name of the petitioner and by announcing fresh seniority list of Revenue Assistants for the year 2012 vide order dated 28.12.2022. As per the announcement, the petitioner has



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made a representation on 11.01.2023 to the third respondent about his claim and the same was not considered till date. Therefore, the petitioner has filed the present Writ Petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the respondents are directed to consider the petitioner's representation dated 11.01.2023, on merits and in accordance with law, within a specified period.

4. The learned Additional Government Pleader appearing for the respondents has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the respondents to consider the petitioner's representation dated 11.01.2023 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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

01.03.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

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Revenue Department,
Secretariat,
Chennai - 600 009.
2. The Additional Chief Secretary and
Commissioner of Revenue Administration,
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Chepauk,
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