



W.P.(MD)No.11941 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.11941 of 2020

and

W.M.P.(MD)No.10306 of 2020

S.Prem Kumar,
Deputy Tahsildar,
Backward Class and Minority Welfare Office,
Dindigul District.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal 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,
Dindigul District,
Dindigul.



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4. M.Saravanakumar

... Respondents

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(R4 impleaded vide Court order dated 04.11.2020
in W.M.P.(MD)No.12800 of 2020 in W.P.(MD)No.
11941 of 2020)

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the third respondent to redraw the panel of Deputy Tahsildar and Thasildar made after 08.04.2009 by treating the Graduate Promotee Assistants and directly recruited Assistants over and above the Non-Graduate Promotee Assistants in conformity with the judgment of the Hon'ble Supreme Court of India rendered in Civil Appeal Nos.251 to 256 of 2015 dated 12.03.2019 in the case of A.Rajagopalan ETC Vs. District Collector, Trichy District and consequentially, to give promotion to the post of Tahsildar and Deputy Tahsildar in conformity with the redrawal of the panel.

For Petitioner	:	Mr.S.Mohamed Suhail
For Respondents	:	Mrs.K.Christy Theboral Addl. Govt. Pleader for R1 to R3 Mr.B.Saravanan for R4

O R D E R

This Writ Petition has been filed for a direction to the third respondent to redraw the panel of Deputy Tahsildar and Thasildar made after 08.04.2009 by treating the Graduate Promotee Assistants and directly recruited Assistants over and above the Non-Graduate Promotee Assistants in conformity with the judgment of the Hon'ble Supreme Court of India in



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the case of ***A.Rajagopalan ETC Vs. District Collector, Trichy District*** reported in ***(2019) 5 SCC 560*** and consequentially, give promotion to the post of Tahsildar and Deputy Tahsildar in conformity with the redrawal of the panel.

2. The case of the petitioner is that the petitioner was initially appointed as Revenue Assistant on 29.01.2013 at Taluk Office, Nilakkottai Taluk, Dindigul District and he was promoted as Deputy Tahsildar on 14.07.2020, vide temporary promotion order, dated 14.07.2020. The post of Deputy Tahsildar is governed by the Tamil Nadu Revenue Subordinate Service Rules. The post of Assistant in the Revenue Department is filled up by direct recruitment and by promotion. As far as the direct recruits are concerned, they are in possession of the degree qualification, whereas, the Promotee Assistants are concerned, there are two categories, one is Graduates and another is Non-Graduates. There was an *inter se* dispute between them and subsequently, the same was landed before the Hon'ble Apex Court in the case of ***M.Rathinaswami and others vs. The State of Tamil Nadu and others*** reported in ***(2009) 5 SCC 625***. Finally, all those



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cases were adjudicated and on the basis of ***Rathinaswamy's case***, the Hon'ble Apex Court in the case of ***A.Rajagopalan ETC Vs. District Collector, Trichy District*** reported in ***(2019) 5 SCC 560*** allowed the appeals with the following observations and directions. However, the said observations and directions were not implemented in the petitioner District. Hence, the present Writ Petition

3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the respondents to implement the decision of the Hon'ble Apex Court in the case of ***A.Rajagopalan ETC Vs. District Collector, Trichy District*** reported in ***(2019) 5 SCC 560*** within a stipulated time.

4. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

5. Considering the facts and circumstances of the case, there was an *inter se* dispute between the Graduate Promotee Assistants and the direct



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recruit Assistants and the same was resolved by the Hon'ble Apex Court in the case of ***A.Rajagopalan ETC Vs. District Collector, Trichy District*** reported in ***(2019) 5 SCC 560***. The relevant portion of the judgment is extracted hereunder:

"19. In the result, the impugned judgement of the High Court is set aside and these appeals are allowed with the following observations and directions:-

(i) Promotions of the Direct recruit Assistants effected between 07.02.1995 and 08.04.2009 and their seniority in their respective positions as on date, shall not be disturbed;

(ii) The benefit extended to the graduate promotee Assistants by placing them on par with Direct recruit Assistants is to be given effect to prospectively from the date of judgment of this Court dated 08.04.2009 rendered in the case of M. Rathinaswami v. State of T.N. reported in (2009) 5 SCC 625;

(iii) After 08.04.2009, the promotion to the post of Deputy Tahsildar from its feeder category, i.e., Direct recruit Assistants and Promotee graduate Assistants, shall be strictly in accordance with the judgment of this Court referred above, i.e., treating Promotee graduate Assistants on par with Direct recruit Assistants. Such promotion shall be given effect to, without reference to any interim order(s) passed by the High Court;

(iv) If any panels are prepared, and promotions are given, after 08.04.2009 for promoting the Assistants to the post



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of Deputy Tahsildars in Tamil Nadu Revenue Subordinate Service contrary to the judgment of this Court dated 08.04.2009, such panels and promotions have to be revised so as to bring in conformity with the judgment of this Court referred above;

(v) By virtue of the judgment of this Court dated 08.04.2009, referred above, Promotee graduate Assistants are placed on par with Direct recruit Assistants. So far as Promotee non-graduate Assistants are concerned, the amended rule holds the field, which gives preferential treatment to Direct recruit Assistants, over Promotee non-graduate Assistants;

(vi) Promotee non-graduate Assistants, who are impleaded as party respondents in these appeals, are not entitled to any directions in their favour, as much as, all these appeals are preferred by Direct recruit Assistants;

(vii) While implementing the above directions, if the seniority and promotion, of the persons who are already retired or dead, is affected in any manner, payments made on account of such seniority and promotion earlier granted to them during the interregnum period, i.e., from 08.04.2009 till this date shall not be recovered.

(viii) So far as Promotee non-graduate Assistants are concerned, it is open for them to pursue with the Government for appropriate amendment to the Rules, in which event we keep it open to Government to consider such request on its own merits."



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6. Considering the limited request made by the learned counsel appearing for the petitioner, the respondents are directed to implement the judgment of the Hon'ble Apex Court in the case of ***A.Rajagopalan ETC Vs. District Collector, Trichy District*** reported in ***(2019) 5 SCC 560***, within a period of twelve weeks from the date of receipt of a copy of this order, if not implemented already.

7. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

04.01.2023

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

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To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
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,
Dindigul District,
Dindigul.



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M.DHANDAPANI,J.

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