



W.P.(MD).No.17486 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.17486 of 2023

V.Muthammal

... Petitioner

Vs.

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

2.The District Collector,
O/o.The District Collector,
Nagercoil,
Kanyakumari District.

3.The District Revenue Officer,
O/o.The District Collector,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to dispose of the appeal preferred by the petitioner, dated 26.07.2022 against the proceedings in No.(A3)/11728/2022, dated 15.07.2022 on the file of the third respondent within the time stipulated by this Court.



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For Petitioner : Mr.T.Aswin Rajasimman
For Respondents : Mr.N.Muthuvijayan
Special Government Pleader

ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to dispose of the appeal preferred by the petitioner, dated 26.07.2022 against the proceedings in No.(A3)/11728/2022, dated 15.07.2022 on the file of the third respondent within the time stipulated by this Court.

2.Heard Mr.T.Aswin Rajasimman, learned counsel appearing for the petitioner and Mr.N.Muthu Vijayan, learned Special Government Pleader appearing for the respondents and perused the materials available on record.

3.The petitioner was appointed in the Revenue Department as Typist through Tamil Nadu Public Service Commission recruitment on 20.02.2023. Vide proceedings of the second respondent, dated 03.09.2015, the petitioner's probation was declared with effect from the date of 18.08.2015. The crucial date for drawing the panel for the



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promotion to the post of Assistant is 15th March of every year. The petitioner was not included in the panel drawn in the year 2015, since she was undergoing training. However, in the subsequent year 2016, she was included in the panel for promotion to the post of Assistant. Since there was no vacancy for promotion in the year 2016, 2017 and 2018, he was not promoted. Thereafter, on 24.05.2018, the petitioner was promoted to the post of Assistant under the respondent Department and presently, the petitioner is working as Assistant in the second respondent office. While so, W.P(MD)No.24677 of 2018 came to be filed by the persons, who were serving in the same Department and this Court, by order, dated 25.02.2022, directed the authorities to include the name of the petitioners therein in the panel of Assistant for the year 2015 and on the basis of the order passed by this Court in W.P(MD)No.24677 of 2018, vide order, dated 25.02.2022, the petitioner made a representation to the respondents to consider her in the line of the said orders for promotion. However, the third respondent, vide proceedings dated 15.07.2022, without considering the fact that the petitioner was also similarly placed person like the petitioners therein, has not considered the petitioner's representation. An appeal provision has been incorporated in the said order. On the basis of which, the petitioner preferred an appeal on 26.07.2022 as



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against the proceedings of the third respondent dated 15.07.2022 and the same is still pending before the first respondent for consideration.

Hence, this Writ Petition came to be filed.

4.However, the learned Special Government Pleader appearing for the respondents filed a counter-affidavit and submitted that the petitioner is not entitled for promotion in the line of the order, dated 15.07.2022 passed by the third respondent. As against which, the said appeal has been preferred by the petitioner.

5.Considering the facts and circumstances of the case, this Court directs the first respondent to dispose of the appeal preferred by the petitioner, dated 26.07.2022, as against the proceedings of the third respondent dated 15.07.2022, 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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L.VICTORIA GOWRI, J.

ps

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