



W.P(MD).No.22588 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 04.12.2023

ORDER PRONOUNCED ON : 11.12.2023

**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).No.22588 of 2022
and W.M.P(MD).No.16756 of 2022**

R.Renganathan

....Petitioner

Vs

1.The Principal Secretary to Government
Revenue & Disaster Management Department
Fort St.George
Chennai -9

2.The Secretary to Government
Human Resources Management Department
Fort St.George
Chennai -9

3.The Additional Chief Secretary/Commissioner of Revenue
Administration
Ezilagam, Chepauk
Chennai 5

4.The District Collector
Virudhunagar District
Virudhunagar

....Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorarified Mandamus, to call for the records pertaining to



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the impugned order made in G.O.Ms.No.333 Revenue and Disaster Management Department, Services Wing.Ser.3(2) Section, dated 28.10.2021 on the file of the first respondent and to quash the same as arbitrary and illegal and consequently direct the respondents herein to include the petitioner's name in the 2007 Deputy Tahsildar Panel List.

For Petitioner : Mr.T.Lajapathi Roy
Senior Counsel
For Mr.M.Thirunavukkarasu

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The writ petition has been filed by a Tahsildar challenging G.O.Ms.No. 333 Revenue and Disaster Management Department, Services Wing.Ser.3(2) Section, dated 28.10.2021 wherein the request of the petitioner for inclusion of his name in the Deputy Tahsildar Panel of Virudhunagar District of the year 2007 was rejected.

2.(A)The facts leading to the filing of this writ petition are as follows:

(i).The petitioner herein was appointed as an Assistant in the Revenue Department through Direct Recruitment at Virudhunagar District in the year 2001.

(ii).As per G.O.Ms.No.133, Revenue Department dated 07.02.1995 unless the Assistant in the Revenue Department had completed the training



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period of five years, he shall not be eligible to be promoted as Deputy Tahsildar. Further, as per Annexure-IX, Rule 38(b)(ii) of Tamil Nadu Ministerial Service Rules, the Assistant should have worked in the Collectorate for a period of 20 months to be eligible to be promoted as a Deputy Tahsildar.

3. According to the petitioner, in the year 2007, he was eligible to be included in the panel for promotion to the post of Deputy Tahsildar. He had cleared all the Departmental Examinations. However, the authorities have rejected his name to be included in the panel on the sole ground that the petitioner had completed only 14 months of service in the District Collectorate and there is a shortage of 6 months. Thereafter, his name was included in 2008 panel and he was promoted as a Deputy Tahsildar on 30.03.2015. The petitioner was later promoted as a Tahsildar on 15.05.2018.

4. The petitioner had further contended that he had sent a representation to the third respondent on 09.04.2008 requesting him to include his name in the panel for the year 2007. The fourth respondent herein by his proceedings dated 24.05.2008, has recommended to the third respondent to relax the said Rule and include the name of the petitioner in the panel for the year 2007. The third respondent by his proceedings dated 29.10.2019 and 24.03.2021 had re-recommended to the first respondent to include the name of the writ petitioner in the 2007 Panel. However, under the impugned Government



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Order in G.O.Ms.No.333 Revenue and Disaster Management Department, Services Wing.Ser.3(2) Section, dated 28.10.2021, the first respondent had rejected the said request on the sole ground that none of the juniors of the writ petitioner were included in the Panel for the year 2007. Challenging the said order, the present writ petition has been filed.

B. Contentions of the Counsels:

5.The learned Senior Counsel appearing for the writ petitioner had contended that as per Rule prevailing in the year 2007, the petitioner had to complete 20 months of service in the District Collectorate for being qualified to be included in the panel for the post of Deputy Tahsildar. The petitioner could work as an Assistant in the District Collectorate only for a period of 14 months. Due to administrative reasons, he was transferred from District Collectorate and therefore, there is a shortage of 6 months. The petitioner is no way responsible for the said deficit of 6 months and therefore, the authorities ought to have given relaxation to the writ petitioner from the operation of Rule-38(b)(ii) read with Annexure-IX of Tamil Nadu Ministerial Service Rules and should have included the name of the petitioner in the Panel for the year 2007.

6.The learned Senior counsel had further contended that in view of delay in effecting promotion, the petitioner had lost his further opportunity to get promotion. Therefore, merely because of none of the juniors of the writ



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petitioner were promoted in the 2007 batch, the request of the writ petitioner ought not to have been rejected.

7.The learned Senior Counsel had relied upon the orders of this Court in *W.P.No.16427 of 2015 (R.Shanthi Vs. The District Collector (PD Section), Tirupur District, Tirupur)*, dated 12.06.2015 and in *W.P(MD).No. 12911 of 2019 (M.Karthigai Raja Vs. The Additional Chief Secretary/Commissioner of Revenue Administration and others)* dated 18.04.2023 to contend that when there is an administrative delay in sending a candidate for a particular training, the same cannot be put against the employee. Therefore, any promotional opportunity of an employee cannot be affected due to the said administrative delay. Hence, he prayed for allowing the writ petition.

8.Per contra, the learned Special Government Pleader appearing for the respondents had contended that the Tamil Nadu Ministerial Service Rules 38(b)(ii) read with Annexure-IX clearly points out that a directly recruited person in the Revenue Department should have completed 20 months service in the District Collectorate for being included in the panel for the post of Deputy Tahsildar. Admittedly, the petitioner has not completed the qualifying service. In fact, it is for the petitioner to make a request to be posted in the District Collector Office for gaining experience. He had further contended that though the petitioner's name was not included in 2007 panel, none of his



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juniors were included in the said panel. Therefore, the seniority of the petitioner has not been affected. The petitioner's name was included in the year 2008 and he was promoted. Therefore, the petitioner cannot have any grievance about none inclusion of his name in the panel for the year 2007. Hence, he prayed for dismissal of the writ petition.

9.I have considered the submissions made on either side and perused the material records.

10.The third respondent by his proceedings, dated 22.11.2007 has granted administrative sanction to the District Collector, Virudhunagar to publish a panel for Deputy Tahsildar in the year 2007 for 21 persons. A panel was also prepared fixing the crucial date for inclusion in the panel as 15.09.2007. Instead of 21 persons being included in the panel, only 19 persons were included in the panel and two of the vacancies for which sanction was granted was left out on the ground that they are not qualified candidates. The impugned order indicates that the petitioner's name was shown in Serial No.13 with a remark that he had not completed 20 months of Collectorate service and hence, he was not included in the Deputy Tahsildar panel.

11.A perusal of the impugned order further reveals that the none completion of 20 months service in the District Collectorate is the sole reason



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for not including the name of the petitioner in the Deputy Tahsildar panel of the year 2007. It is also clear from the impugned order that the petitioner was taken into consideration for inclusion of his name in the panel. He was disqualified on the ground that he has not achieved 20 months service in the District Collectorate. The recommendation of the District Collector, Virudhunagar dated 24.05.2008 will clearly indicate that there is no fault on the part of the writ petitioner in not completing the qualifying service of 1 year and 8 months in the District Collectorate. It is also not the case of the first respondent herein that despite being posted in the District Collectorate, the writ petitioner has gone on leave or made a request to be transferred to some other place. Due to administrative reasons, the petitioner could not complete his 1 year and 8 months service in the District Collectorate and there is no fault on the part of the writ petitioner.

12. Admittedly, when the name of the writ petitioner was considered for inclusion in the panel in the year 2007 and it was rejected on the ground of not achieving the qualifying service, certainly it would cause great hardship to the writ petitioner. The exclusion of the writ petitioner from the panel in the year 2007 is on the erroneous ground of non completion of Collectorate service of 1 year and 8 months. Unless the authorities post him to the District Collectorate and extract work, the petitioner cannot be expected to gain



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experience in the District Collectorate. Therefore, the exclusion of the name of the writ petitioner in the panel for the year 2007 is clearly illegal. The only reason assigned in the impugned order for rejection of the request of the writ petitioner is that none of his juniors were promoted in the year 2007. This reason is legally unacceptable. The petitioner's name was considered in the panel for the year 2007 and it has been erroneously rejected. Therefore, merely because his juniors were not promoted pursuant to 2007 panel, cannot be a ground to reject the request of the writ petitioner. The none inclusion of the name of the writ petitioner in the 2007 panel would certainly affect his future promotion and pensionary benefits. Therefore, this Court is of the considered opinion that the reason assigned for rejecting the request of the writ petitioner is not legally sustainable.

13.In view of the above said deliberations, the order impugned in the writ petition is set aside. The respondents are directed to include the name of the writ petitioner in the Deputy Tahsildar panel in the year 2007 and confer all other attendant benefits that were conferred upon the other assistants who were promoted pursuant to 2007 panel. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.



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14.The writ petition stands allowed to the extent as stated above. No costs. Consequently, connected miscellaneous petition is closed.

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Internet : Yes/No
Index : Yes/No
NCC : Yes/No
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R.VIJAYAKUMAR, J.

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Pre-delivery order made in

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