



W.P(MD)No.106 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P(MD)No.106 of 2016

and

W.M.P.(MD)No.87 of 2016

- 1.S.Pratheeba
- 2.V.Sundaravel
- 3.A.Prem Kishore
- 4.A.Nagarani
- 5.J.Karthikeyan
- 6.R.Dhamodharan
- 7.M.R.Muthulakshmi
- 8.S.Sentheeswari
- 9.M.Meenakshi Sundaram
- 10.A.Malathi
- 11.C.Mugibalan
- 12.V.Veeramurugan
- 13.K.Thirunavukkarasu

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Represented by the Principal Secretary,
Revenue Department, Fort St.George,
Chennai-9.
- 2.The Commissioner of Revenue Administration,
Chepauk, Chennai-5.
- 3.The District Collector,
Collectorate, Madurai,
Madurai District.



W.P(MD)No.106 of 2016

4. The District Revenue Officer,
Collectorate, Madurai,
Madurai District.

5.C.Masthan Kani
6.M.Senthamaraivalli
7.P.Vanitha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of promotion in Na.Ka.No. 3128/2015/Pa.A.1, dated 07.12.2015 on the file of the 3rd respondent and quash the same as illegal to the extent of promotions to the respondents 5 to 7 to the post of Deputy Tahsildar and consequently, to direct the respondents to make promotions to the post of Deputy Tahsildars as per the seniority in the post of Revenue Assistant vide the proceedings in Pa.Mu.No.21359/2015 (Pa.A2) dated 19.05.2015 on the file of the 4th respondent within the time stipulated by this Court.

For Petitioners	: Mr.G.Karthik, For Mr.T.Lajapathi Roy & Associates
For R1 to R4	:Mr.T.Amjadkhan, Government Advocate
For R5 to R7	: No Appearance

ORDER

The writ petitioners are 13 in number and they were all recruited directly as Revenue Assistants. They were posted to Madurai region. It is not in dispute that the respondents 5 to 7 were also directly recruited as Revenue



W.P(MD)No.106 of 2016

Assistants, but they were placed in the districts of Perambalur, Thanjavur and Cuddalore respectively. Insofar as the Revenue Assistants are concerned, seniority is being maintained district-wise.

2.As per the relevant rules when a person, who is working in one district, is transferred to other district, he forfeits his seniority and joins below the junior most Revenue Assistants working in the transferred district. This is as per Rule 7 of Annexure 3A to the Special Rules of the Revenue Subordinate Service.

3.It is not in dispute that the respondents 5 to 7 were transferred on their request from Perambalur, Thanjavur and Cuddalore respectively to Madurai District.

4.The writ petitioners were not benefitted with the promotion to the post of Deputy Tahsildar during the relevant year namely, in the year 2015, because they had not completed Firka Revenue Assistant Training. Insofar as the writ petitioners are concerned, it is not upto them to acquire the said qualification, but they should have been sent to the said training by their superiors.



5. When this was pointed out, the learned Government Advocate appearing for the respondents 1 to 4 has submitted that there is an alternative remedy and therefore, the writ petitioners have to avail the same. He would add that since the petitioners have not undergone the training, they are not entitled to promotion.

6. I am not convinced by both the arguments for the simple reason that since the Writ has been pending for the past 8 years, the question of sending the parties to alternative remedy does not arise. Rule Nisi had been issued and the Government has also filed counter on merits of the case. In such circumstances, relegating the parties to alternative remedy would not serve ends of justice.

7. Insofar as the second point is concerned that the writ petitioners were not qualified in Firka Revenue Assistant training is concerned, it is not in dispute that the writ petitioners were not sent for the said training by the respondents 1 to 4. A person, who is working as a Revenue Assistant, cannot suo motu go and assume the office of Firka Inspector or an Assistant unless and until he is specifically posted to that post by the competent authorities.

8. Both objections fail and having come to the conclusion that the respondents 5 to 7 ought to have placed below the writ petitioners, the



W.P(MD)No.106 of 2016

impugned order is liable to be quashed and accordingly, it is quashed. The respondents 1 to 4 are directed to re-work the seniority of the writ petitioners by taking into consideration of Rule 20 of Tamil Nadu Ministerial Service Rules.

9. With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

09.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To

1. The Principal Secretary,
State of Tamil Nadu,
Revenue Department, Fort St. George,
Chennai-9.
2. The Commissioner of Revenue Administration,
Chepauk, Chennai-5.
3. The District Collector,
Collectorate, Madurai,
Madurai District.
4. The District Revenue Officer,
Collectorate, Madurai,
Madurai District.



WEB COPY



W.P(MD)No.106 of 2016

V.LAKSHMINARAYANAN, J

Yuva

W.P(MD)No.106 of 2016

09.11.2023