



W.P(MD)No.27189 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.27189 of 2023

and

W.M.P(MD)No.23365 of 2023

V.Selvakumar

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Revenue Department,
St.George Fort,
Secretariat,
Chennai-600 009.

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

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner for notional promotion to the post of Revenue Divisional Officer and further promotion to the post of District Revenue Officer on par with his immediate junior within the period that may be stipulated by this Court.



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For Petitioner : Mr.Ajmal Khan
for M/s.Ajmal Associates

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

The present writ petition has been filed by a Revenue Divisional Officer seeking a Mandamus to the respondents herein to consider the petitioner for notional promotion to the post of Revenue Divisional Officer with retrospective effect.

2. According to the learned Senior Counsel appearing for the writ petitioner, at the relevant point of time, when the name of the petitioner for being promoted as Revenue Divisional Officer was under consideration, he was issued with a charge memo and therefore, he was not considered for promotion. The juniors of the writ petitioner were promoted. A punishment was imposed upon the writ petitioner on 07.06.2016 and after completion of the said punishment, he was promoted as Revenue Divisional Officer belatedly on 17.10.2022.



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3. The learned Senior Counsel for the petitioner has further contended that the petitioner had challenged the order of punishment in W.P(MD)No.15400 of 2020. This Court was pleased to allow the said writ petition on 09.03.2023 setting aside the punishment imposed by the authorities and that has attained finality. Therefore, according to the learned Senior Counsel, the name of the petitioner should have been considered for notional promotion from the date on which his immediate juniors were promoted. To the said effect, the petitioner has given a representation on 30.03.2023 and 15.05.2023 to the respondents herein.

4. The learned Senior Counsel also referred to the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 Schedule-XI clause (19) to contend that in all cases where the delinquent is exonerated from the charges, the appointing authority shall take *suo moto* action within 15 days from the date of issue of final orders and shall re-open the punishment and promote the delinquent from the date on which his juniors were promoted.

5. In view of the above said legal submission, this Court directs the 1st respondent herein to pass orders on the representation made by the



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writ petitioner in the light of Clause 19 in Schedule-XI of Tamil Nadu Government Servants (Conditions of Service) Act, 2016 within a period of four (4) weeks from the date of receipt of copy of this order.

6. With the said observations, this Writ Petition stands disposed of.

No costs. Consequently, connected Miscellaneous Petition is closed.

10.11.2023

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

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To

1.The Principal Secretary to Government,
The State of Tamil Nadu,
Revenue Department,
St.George Fort,
Secretariat,
Chennai-600 009.

2.The Additional Chief Secretary,
Commissioner of Revenue Administration,
Ezhilagam,
Chepauk,
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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.27189 of 2023

Dated:
10.11.2023