



W.P.(MD)Nos.29261 and 29262 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.29261 and 29262 of 2022
W.M.P(MD).Nos.23220 to 23225 of 2022

V.Gokila ... Petitioner in W.P(MD).No.29261 of 2022
N.Saravana Bala ... Petitioner in W.P(MD).No.29262 of 2022
Vs.

- 1.The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
Revenue Administration and
Disaster Management Department,
Revenue Department,
Fort St.George,
Chennai-600 009.
- 2.The Additional Chief Secretary/
Commissioner of Revenue Administration,
Revenue Administration and Disaster Management Department,
Ezhilagam, Chepauk,
Chennai-600 005.
- 3.The District Collector,
Ramanathapuram,
Ramanthapuram District. ... Respondents in both petitions



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Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned redrawn panel of Deputy Tahsildars for the year 2010 to 2013, 2015, 2017 to 2019 published by the 3rd respondent vide his proceedings in Roc.A1/27189/2019(DT. 2010 to 2013, 2015, 2017 to 2019) dated 06.05.2022 and the consequential impugned order passed by the 2nd respondent vide his proceedings in Proc.No.Ser3(3)/01/556/2022 dated 12.12.2022 (served to the petitioners on 27.12.2022 and 26.12.2022) and quash the same as illegal in so far as the petitioners are concerned.

In both cases

For Petitioner : Mr.H.Mohammed Imran

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

COMMON ORDER

The issue arising in the present writ petitions is one and the same and therefore, they are disposed of by way of this common order.



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2. These Writ Petitions have been filed to call for the records relating to the impugned redrawn panel of Deputy Tahsildars for the year 2010 to 2013, 2015 and 2017 to 2019 published by the 3rd respondent vide his proceedings in Roc.A1/27189/2019 (DT. 2010 to 2013, 2015 and 2017 to 2019) dated 06.05.2022 and the consequential impugned order passed by the 2nd respondent vide his proceedings in Proc.No.Ser3(3)/01/556/2022 dated 12.12.2022 and quash the same as illegal insofar as the petitioners are concerned.

3. The case of the petitioners is that initially, on 10.12.2012, they were appointed as Assistant by way of Group-II Examination conducted by the Tamil Nadu Public Service Commission for the year 2009 to 2011. Thereafter, they were promoted to the post of Senior Revenue Inspector, were promoted as Deputy Tahsildar (Certificate) on 16.07.2020 and thereafter, were promoted to the post of Deputy Tahsildar on 19.07.2021 by the third respondent. While so, the Government of Tamil Nadu has issued a Government Order in G.O.(Ms).No.87, Revenue and Disaster Management Department, dated 09.03.2019, refixing the entire seniority



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of the Deputy Tahsildars, in view of the judgment rendered by the Hon'ble Supreme Court regarding re-fixation seniority between directly recruited Graduate Assistants and Promotee Graduate Assistants. Thereafter, the third respondent has published the re-drawn panel of Deputy Tahsildar for the years 2004 to 2020, wherein their names were included in the right place. However, subsequently, the 3rd respondent has published the impugned re-drawn panel of Deputy Tahsildar for the year 2010 to 2019 on 06.05.2022 leaving them in lurch by not including their names in the said Panel. Challenging the same, the present writ petitions have been filed.

3. The learned counsel appearing for the petitioners would submit that earlier, there was a seniority issue between the persons who served as directly recruited Graduate Assistants and Promotee Graduate Assistants and it reached before the Hon'ble Apex Court. The Hon'ble Apex Court issued series of directions with regard to fixation of seniority. However, contrary to the directions issued by the Hon'ble Apex Court, the present impugned panel has been prepared leaving the



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petitioners which is not sustainable one. Further, the rule of reservation is available in the cadre of Deputy Tahsildar, Commercial Tax Officer, Sub-Registrar Grade-II. Without following the rule of reservation, the present panel has been prepared and hence, it is not sustainable. Hence, he prays for allowing the present writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. The facts in the present case are not in dispute. Admittedly, the petitioners were initially recruited as Assistants in the year 2012. The present panel is drawn only on the basis of the directions issued by the Hon'ble Apex Court. Aggrieved by the same, the present writ petition has been filed. For better appreciation, the directions issued by the Hon'ble Apex Court in the case of ***A.Rajagopalan and others vs. District Collector, Thiruchirapalli District and others*** reported in ***(2015) 5SCC 560*** are extracted hereunder:-

19. In the result, the impugned judgement of the High



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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;



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



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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.

6. In the said judgment, it has been clearly stated that “*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; that the benefit extended to the graduate promotee Assistants by placing them on a 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 **M.Rathinaswami vs. State of Tamil Nadu**; After 08.04.2009, the promotion to the post of Deputy*



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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 to 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”. Therefore, if the petitioners have any grievance with regard to the redrawn panel of Deputy Tahsildars, remedy is available to them to approach the Hon'ble Apex Court for any clarification. Instead of approaching the Hon'ble Apex Court, filing a writ petition for stalling the impugned redrawn panel of Deputy Tahsildars is not sustainable one and it would amount to interfere with the decision of the Hon'ble Apex Court of India. Hence, this Court is not inclined to interfere with the impugned orders issued by the respondents 2 and 3.

7. Accordingly, these Writ Petitions are dismissed. No costs. Connected miscellaneous petitions are closed.

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NCC:Yes/No

Index:Yes/No

Internet:Yes/No

To

- 1.The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
Revenue Administration and
Disaster Management Department,
Revenue Department,
Fort St.George,
Chennai-600 009.
- 2.The Additional Chief Secretary/
Commissioner of Revenue Administration,
Revenue Administration and Disaster Management Department,
Ezhilagam, Chepauk,
Chennai-600 005.
- 3.The District Collector,
Ramanathapuram,
Ramanthapuram District.

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