



WEB COPY



W.P.Nos.3013 of 2021 & batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM

**THE HONOURABLE Ms.JUSTICE R.N.MANJULA**

W.P. Nos.3013, 3016, 3019, 3022 & 3026 of 2021  
and W.M.P.Nos.3395, 3396, 3381, 3382, 3390, 3391, 3403, 3405, 3411,  
3412 of 2021

|                   |                                    |
|-------------------|------------------------------------|
| K.Sankar          | ... Petitioner in W.P.No.3013/2021 |
| S.Santhanam       | ... Petitioner in W.P.No.3016/2021 |
| P.Punitha         | ... Petitioner in W.P.No.3019/2021 |
| P.Shanmugasundari | ... Petitioner in W.P.No.3022/2021 |
| M.Devaki          | ... Petitioner in W.P.No.3026/2021 |

/vs/

1. The Government of Tamil Nadu,  
Rep. by the Principal Secretary to Government,  
Commercial Taxes and Registration Department,  
Fort St. George,  
Chennai – 600 009.

2. Inspector General of Registration,  
100, Santhome High Road,  
Chennai – 600 028.

3. E.Indira

4. D.Mahesh

5. V.Chinnaraj

... Respondents in all W.P's.



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(R3 to R5 are impleaded vide order dated 06.04.2023 made in W.M.P.No.29383/2022 in W.P.No.3013/2021)

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Writ Petitions are filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records of the respondents relating to IGR Circular No.376/A1/2018 dated 10.01.2018 issued by the second respondent and quash the same and consequently direct the respondents to re-determine the inter se seniority with respect to all Promotee District Registrars for the years 2008-2009, 2009-2010, 2010-2011 and 2011-2012 and promote the petitioners accordingly to Assistant Inspector General of Registration and to Deputy Inspector General of Registration retrospectively with all consequential service benefits including salary, etc.

For Petitioner ... Mr.G.Sankaran  
(in all W.P's.) Senior Counsel  
for K.Madalaimuthu

For Respondents ... Mr.R.Neethiperumal  
(in all W.P's.) Government Advocate for R1 & R2

Mr.N.Manikandan for R3

Mr.P.S.Prabu for R4 & R5



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## COMMON ORDER

Heard Mr.G.Sankaran, the learned Senior Counsel for the petitioner, Mr.R.Neethiperumal, learned Government Advocate for R1 & R2, Mr.N.Manikandan, learned counsel for R3 and Mr.P.S.Prabu, the learned counsel for R4 and R5.

2. This is a yet another issue in the matter of *inter se* seniority between the directly recruits and promotees. The petitioners have joined the service as District Registrar through direct recruitment on 02.05.2013.

3. Mr.G.Sankaran, the learned Senior Counsel for the petitioners submitted that the District Registrars by promotion are appointed on temporary basis and they cannot be given with any seniority over the District Registrars who were directly recruited, until they are regularized as against the substantive post.

4. However, Mr.R.Neethiperumal, the learned Government Advocate, submitted that the promotees who have been promoted as District Registrars



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have been accommodated only on permanent basis and hence, there cannot be any quarrel with regard to their seniority.

5. So far as the petitioners are concerned their services were started only from the date of their appointment i.e. on 02.05.2013. The problem arises because the official respondents are making direct recruitment to the post of District Registrar as and when the vacancy as against the direct recruitment arises. In certain administrative circumstances, promotions are given to the persons who are already in service in order to execute the functions of the District Registrar. When the respondents state that the promotees have been promoted only on regular basis, the petitioners cannot claim any edge over and above the promotee District Registrar who have already joined the post of District Registrar and who are executing the functions of the District Registrar.

6. The petitioners have impleaded only the respondents 3 to 5 as parties to the proceedings. If the prayer of the petitioners is granted, it will have a wider effect on many persons who find place in the respective panels



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for the years 2008-2009, 2009-2010 and 2010-2011. Hence the petitioners'

prayer cannot be granted unless all the interested parties are heard.

However, it is open to the petitioners to give representation to the respondents to consider their grievance.

7. With the above observations, these Writ Petitions are disposed. No costs. Connected miscellaneous petitions are closed.

**07.03.2024**

Index: Yes / No

Speaking order / Non-speaking order

bkn

To:

1. The Principal Secretary to Government,  
Government of Tamil Nadu,  
Commercial Taxes and Registration Department,  
Fort St. George,  
Chennai – 600 009.

2. The Inspector General of Registration,  
100, Santhome High Road,  
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**R.N.MANJULA ,J.**

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