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W.P.No.2255 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.2255 of 2024

N.Selvakumar

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Petitioner

Vs

1. The Additional Chief Secretary-cum-
Commissioner of Revenue Administration,
Revenue and Disaster Management Department,
Ezhilagam, Chepauk,
Chennai – 600 005.

2. The District Collector,
Cuddalore,
Cuddalore District.

3. District Revenue Officer,
Cuddalore,
Cuddalore District.

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Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents, particularly the second respondent to consider the representation dated 19.10.2023 of the petitioner for fixation of his *inter se* seniority.

For Petitioner : Mr.M.Elumalai

For Respondents : Mr.K.H.Ravikumar
Government Advocate



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ORDER

This Writ Petition has been filed for direction directing the second respondent to consider the representation of the petitioner for fixation of his *inter se* seniority.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was selected and appointed as Senior Revenue Inspector in Ariyalur District on 12.01.2010. Subsequently, his service was regularized from the date of his appointment, i.e., on 12.01.2010. On his request, by the proceedings dated 07.12.2010, the first respondent transferred the petitioner from Ariyalur to Cuddalore. He had joined duty in Cuddalore on 24.07.2013. His seniority for the purpose of promotion has to be determined in the Cuddalore District from the date of his joining duty upon transfer, i.e., on 24.07.2013. Thereafter, he was completed all training programmes. His seniority in the post of Senior Revenue Inspector has not been determined properly with his juniors, which had resulted in the juniors being kept above the petitioner in the promotional ladder. Therefore, the petitioner submitted a representation before the second respondent. By a proceedings dated



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08.07.2019, the second respondent rejected the request made by the petitioner.

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4. However, the provisions of the Tamil Nadu Government Servant (Conditions of Service) Act, 2016, was subjected to challenge before this Court in a batch of writ petitions in W.A.Nos.998 of 2017 etc. The Hon'ble Division Bench of this Court, by a common judgment dated 15.11.2019, held that Section 1(2), 40 and 70 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, are ultra vires and unconstitutional. Therefore, the respondents were directed to redo the exercise of fixation of seniority within a period of twelve weeks. Accordingly, the first respondent had drawn a combined seniority list on 07.04.2022. However, the persons, who had joined the post after the appointment of the petitioner, are holding the post of Deputy Tahsildar. Therefore, the petitioner submitted a representation to consider his case. On receipt of the same, the second respondent, by its proceedings dated 30.09.2023, forwarded the service register to the Special Tahsildar (Civil), Cuddalore. By a proceedings dated 16.10.2023, the Special Tahsildar (Civil), Cuddalore also forwarded the service register to the second respondent. However, it is pending for consideration with the file of the first and second respondents.

5. Considering the above facts and circumstances of the case, the



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first and second respondents are directed to consider the representation of the petitioner and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ petition is disposed of. No costs.

02.02.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Lpp

To

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G.K.ILANTHIRAIYAN. J.



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