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W.P.No.7586 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.7586 of 2024

D.Mahendran

...Petitioner

-Vs-

1. The Principal Secretary to Government,
Revenue Administration and Disaster Management,
Fort Saint George, Secretariat,
Chennai-600 009.
2. The Additional Chief Secretary Revenue Administration
and Commissioner for Disaster Management,
Ezhilagam, Chepauk, Chennai-600 005.
3. The District Collector,
Tiruvarur District, Tiruvarur.
4. The Joint Commissioner,
Revenue Administration and Disaster Management,
Ezhilagam, Chepauk, Chennai-600 005.
5. The Revenue Divisional Officer,
Revenue Administration and Disaster Management,
Ezhilagam, Chepauk, Chennai-600 005.

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd Respondent to include the petitioner's name in the Deputy Tahsildar's promotional Panel List Effecting/Commencing from 2016 onwards with cumulative effect within a stipulated time as fixed by this Hon'ble Court.

For petitioner : Mr.Pachaiyappan

For respondents : Mr.R.Kumaravel
Additional Government Pleader

ORDER

This writ petition has been filed for direction to the 2nd respondent to include the petitioner's name in the promotion panel to the post of Deputy Tahsildar of the year 2016.

2. The petitioner was originally appointed as Junior Assistant-cum-Typist on compassionate ground on 30.11.1998. Thereafter, he was promoted to the post of Assistant in the Collector Office, Thiruvarur and subsequently he was promoted to the post of Senior Revenue Inspector. While being so, he was working as Circle Revenue Inspector at Muthuppet, Thiruthuraipoondi Taluk, Tiruvarur District. In respect of disbursement of



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Flood Relief Fund a police complaint was lodged by the persons who were not benefited. On receipt of the same, FIR has been registered in Cr.No.03 of 2011 as against the petitioner and others for the offences under sections 409,465,467,468,471,477A and 120(b) of IPC. In pursuant to the registration of FIR, the petitioner was served with charge memo under Rule 17(b) of TamilNadu Civil Services (Discipline and Appeal) Rules dated 07.06.2011. After completion of disciplinary proceedings, the petitioner was exonerated from all the charges. However, the Investigation Officer filed final report in the year 2016 and the same has been taken cognizance in C.C.No.08 of 2016 on the file of the Judicial Magistrate Court, Thiruthuraipoondi, Thiruvarur District. In the meanwhile, the petitioner submitted representation to include his name in the seniority panel for promotion to the post of Deputy Tahsildar. It was considered by the 3rd respondent by its proceedings dated 09.03.2023, thereby petitioner's name was not recommended to include in the promotion panel to the post of Deputy Tahsildar. Thereafter, once again the 3rd respondent by its communication dated 15.05.2023 recommended to include the name of the petitioner in the panel for the promotion to the post of Deputy Tahsildar.



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3. On perusal of records revealed that the petitioner was exonerated from all departmental proceedings and the criminal case is only pending as against the petitioner in C.C.No.08 of 2016. However, it is pending for the past eight years without any progress. That apart, the charge sheet was filed only in the year 2016. In the meanwhile, all the disciplinary proceedings attained finality and the petitioner was discharged from all the disciplinary proceedings and exonerated from all the charges under Rule 17(b) of Tamilnadu Civil Services (Discipline and Appeal) Rules.

4. In view of the above, the 2nd respondent is directed to consider the representation submitted by the petitioner dated 27.07.2021 seeking to include his name in the panel for promotion to the post of Deputy Tahsildar from 2016 and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of copy of this order.



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5. With the above direction, this writ petition is disposed of. No

costs.

20.03.2024

Index : Yes/No

Speaking/Non Speaking Order

Neutral Citation : Yes/No

gvn

To

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G.K.ILANTHIRAIYAN,J.
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