



W.P.No.10574 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 04.07.2024**

**CORAM**

**THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN**

**W.P.No.10574 of 2022**

I.Dakshnamoorthy

... Petitioner

Vs.

1.The Government of Tamilnadu  
represented by the Secretary to the Government  
Revenue Department, Fort St.George  
Chennai – 600 009.

2.The Additional Chief Secretary/  
Commissioner of Revenue Administration  
Chepauk, Chennai – 600 005.

3.The Collector  
Thiruvallur, Tiruvallur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to notionally promote the petitioner as Deputy Collector with effect from the date of promotion of his immediate junior Mr.S.Thangapandi in the light of the orders passed by the Government in G.O.(2D) No.91, Revenue (Ser-1) Department dated 10.02.2015 and revise his pay accordingly and grant him all consequential monetary benefits together with interest within a time limit.

For the petitioner : Mr.P.Manoj Kumar



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For the respondents : Mr.V.Veluchamy  
Additional Government Pleader  
for RR1 to 3

### **ORDER**

This Writ Petition has been filed to direct the respondents to notionally promote the petitioner as Deputy Collector with effect from the date of promotion of his immediate junior - Mr.S.Thangapandi in the light of the orders passed by the Government in G.O.(2D) No.91, Revenue (Ser-1) Department dated 11.02.2015 and revise his pay accordingly and grant him all consequential monetary benefits together with interest.

2. It is the case of the petitioner that he joined the service of the Revenue Department and got retired from service as Special Tahsildar (Land Acquisition) on 31.03.2013. At the verge of his retirement, the petitioner was served with a charge memo dated 31.01.2012. However, he was permitted to retire from service without prejudice to the disciplinary proceedings, pending against him. Subsequently, the disciplinary proceedings were dropped vide the proceedings dated 24.12.2013.

3. When the petitioner was in service, seniority panel was drawn for promotion to the post of Deputy Collector for the year 2010-2011 vide



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G.O.Ms.No.47, Revenue (Ser I) Department dated 10.02.2011. The petitioner's name was included in the panel at Sl.No.157. However, subsequently his name was not considered for promotion, on account of the disciplinary proceedings. Therefore, the petitioner submitted his representation seeking notional promotion to the post of Deputy Collector from the date of his immediate junior got promoted. Considering his request, the Government had issued G.O.(2D) No.91, Revenue (Ser-I) Department dated 11.02.2015, directing the concerned Department to include the petitioner's name in the temporary list of Deputy Collector for the year 2010-2011. However, thereafter, no order has been passed to grant notional promotion to the petitioner, for the post of Deputy Collector. Again, the petitioner submitted his representation and it is kept pending.

4. Heard the learned counsel appearing on either side and perused the material records of the case.

5. Admittedly, there is a positive direction to the respondents vide G.O.G.O.(2D) No.91, Revenue (Ser-I) Department dated 11.02.2015, which would bind the inter parties. Once there was a direction, it is for the respondents to implement the same in a time bound manner.



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6. In view of the above, this Court directs the respondents 1 to 3 to grant notional promotion to the petitioner, to the post of Deputy Collector with effect from the date of promotion of his immediate junior - Mr.S.Thangapandi, in the light of the orders passed by the Government in G.O.(2D) No.91, Revenue (Ser-1) Department dated 10.02.2015 and revise his pay accordingly and grant him all consequential monetary benefits together with interest at the rate of 6% per annum, from the date of his immediate junior got promoted till the date of realization, within a period of 12 weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition stands allowed. No costs.

04.07.2024

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Index : Yes/No

Internet : Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes/No

To

1.The Secretary to the Government  
Government of Tamilnadu  
Revenue Department, Fort St.George  
Chennai – 600 009.



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2.The Additional Chief Secretary/  
Commissioner of Revenue Administration  
Chepauk, Chennai – 600 005.

3.The Collector  
Thiruvallur, Tiruvallur District.

**G.K.ILANTHIRAIYAN, J.,**

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