



W.P.No.10695 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.10695 of 2021
and W.M.P.No.11328 of 2021

A.Chandrasekaran

... Petitioner

Vs.

1.The Secretary,
Revenue Department,
Fort St. George,
Chennai 600 009.

2.The Government of Tamil Nadu,
Rep by its Principal Secretary,
Commissioner of Revenue Administration,
Ezhilagam, Chennai 600 005.

3.The District Collector,
Salem District, Tamil Nadu.

4.S.Govindarajan,
Tahsildar (Retd.)

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 2nd respondent, The Commissioner of Revenue Administration to fix the petitioner's seniority above the 4th respondent S.Govindarajan who was his immediate junior as



W.P.No.10695 of 2021

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deputy Tahsildar and to promote him as Tahsildar from 07.08.2012 as per revised seniority list dated 21.05.2014 and 07.11.2016 which has not been done despite repeated recommendations dated 16.12.2016, 21.05.2017, 04.09.2017 from the 3rd respondent District Collector to the 2nd respondent Commissioner of Revenue Administration and the petitioner's representations including the representation dated 22.11.2017 and 21.01.2021 and to grant him all consequential benefits.

For Petitioner : Mr.K.K.Ram Siddhartha

For Respondents : Mr.R.Kumaravel, AGP for R1 to R3

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the 2nd respondent to fix the petitioner's seniority above the 4th respondent S.Govindarajan who was his immediate junior as Deputy Tahsildar and to promote him as Tahsildar from 07.08.2012 as per revised seniority list dated 21.05.2014 and 07.11.2016 which has not been done despite repeated recommendations dated 16.12.2016, 21.05.2017, 04.09.2017 from the 3rd respondent District Collector to the



W.P.No.10695 of 2021

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2nd respondent Commissioner of Revenue Administration and the petitioner's representations including the representations dated 22.11.2017 and 21.01.2021 and to grant him all consequential benefits.

2. Heard Mr.K.K.Ram Siddhartha, learned counsel for the petitioner and Mr.R.Kumaravel, learned Additional Government Pleader for the respondents 1 and 3.

3. The petitioner who was working as Deputy Tahsildar at the time of retirement has filed this Petition stating that the disciplinary proceedings pending against him for certain charges have already been disposed and in which, the petitioner was found to be not guilty. It is further submitted that his services have also been regularised. Subsequent to that, the third respondent has sent a recommendation to re-fix the seniority of the petitioner by accommodating him with due promotion on par with his junior. But so far the second respondent has not considered the same. Since the petitioner's retirement benefits are affected in view of the inaction on the part of the second respondent on the recommendation



W.P.No.10695 of 2021

made by the third respondent, the petitioner is before this Court.

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4. Once the charges are dropped against the employee then the consequential orders as to the service benefits should also be passed. It appears from the records that the third respondent District Collector had recommended to re-fix the seniority of the petitioner for the purpose of promotion on par with his junior. The second respondent did not act upon the same.

5. Even though the petitioner is not eligible to get monetary benefit for the post to be promoted, the petitioner shall be given the notional effect for the promotion and his pay at the time of retirement shall be revised for the purpose of getting revised pensionary benefit.

6. With the above directions, this Writ Petition is disposed. The second respondent is directed to promote the petitioner by re-fixing his seniority and revise his pay by giving notional effect and pass appropriate orders in this regard to have a better impact as the pensionary benefits



W.P.No.10695 of 2021

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within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

21.03.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

To

- 1.The Secretary,
Revenue Department,
Fort St. George,
Chennai 600 009.
- 2.The Principal Secretary,
Commissioner of Revenue Administration,
Ezhilagam, Chennai 600 005.
- 3.The District Collector,
Salem District.



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W.P.No.10695 of 2021

R.N.MANJULA, J.

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W.P.No.10695 of 2021
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