



W.P.No.13463 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.13463 of 2024
and W.M.P.Nos.14619 and 14621 of 2024

S.Selvamani

Zonal Deputy Tahsildar,

Virudhachalam Taluk Office,

Cuddalore District

Residential Address

36 Kaman Koil Street,

Kurinjipadi Taluk,

Virupakshi,

Cuddalore,

Tamil Nadu – 607 302

... Petitioner

vs

1.The Secretary,

Revenue Department,

St.Fort George, Secretariat,

Chennai.

2.Commissioner of Revenue Administration

Revenue Department

Chepauk, Chennai – 05.

3.The District Collector,

Cuddalore District – 607 001.

4.District Revenue Officer,

Cuddalore District – 607 001

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings No.A2/9988/2022 dated 06/05/2023 issued by the District Collector, Cuddalore/3rd respondent and quash the same and directing the 2nd respondent to re-calculate the approved vacancy for the post of Deputy Tahsildar for the year 2017 as 33 and again include the petitioner's in panel of Deputy Tahsildar for the year 2017 as per proceedings No.A2/Pdl.502/2017 dated 26.12.2017 issued by the District Collector Cuddalore/3rd respondent.

For Petitioner

: Mr.V.Sithannan

For Respondents

: Mr.G.Velu

Additional Government Pleader

ORDER

This writ petition has been filed challenging the revised seniority list notified vide impugned proceedings No.A2/9988/2022 dated 06/05/2023 issued by the District Collector, Cuddalore/3rd respondent and seeking a consequential direction to the 2nd respondent to re-calculate the approved vacancy for the post of Deputy Tahsildar for the year 2017 as 33 and again include the name of the petitioner in the panel of Deputy Tahsildar for the year 2017 as per proceedings No.A2/Pdl.502/2017, dated 26.12.2017 issued by the District Collector Cuddalore/3rd respondent.



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2. The case of the petitioner is that the petitioner was selected for the post of Assistant in the Revenue Department in the Tamil Nadu Ministerial Service, Cuddalore District, through TNPSC Subordinate Service Examination 1, 2009 vide TNPSC Memorandum 2786/OTD-B1/2008 dated 17.02.2012. Thereafter, he was appointed as Assistant through the Direct Recruitment (TNPSC) in District Revenue Officer unit Villupuram District on 14.03.2012 vide proceedings No.A3/5793/12-1 dated 01.03.2012. The petitioner's services in the post of Assistant was regularized from 14.03.2012 vide proceedings No.A2/5743/2012 dated 22.05.2012 issued by District Revenue Officer, Villupuram. Thereafter, the petitioner's name was included in the inter se-seniority list for the year 2011-2012 in the Cadre of Assistant vide District Revenue Officer, Cuddalore, proceedings No.A3/20428/2014 dated 19.02.2016. Since there were vacancies in the post of Deputy Tahsildar, Cuddalore District, in the year 2017, the petitioner was temporarily promoted to the post of Deputy Tahsildar on 01.06.2017 vide proceedings No.A2/925/2017 dated 29.05.2017 issued by the District Collector, Cuddalore. Thereafter, the petitioner's name was included in the panel for the post of Deputy Tahsildar for the year 2017, Cuddalore District, vide District Collector's proceedings



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No.A2/Pd1502/2017, dated 26.12.2017. However, without verifying the actual vacancies for the year 2017, the District Collector Cuddalore approved the estimate of vacancies for the year 2017 as 20, which is improper and has to be rectified. This impugned proceedings affects his seniority in the post of Deputy Tahsildar. Aggrieved by the same, he made a representation to the 2nd respondent to re-calculate the approved vacancies for the post of Deputy Tahsildar for the year 2017 as 33, but the same has not been considered till date. Hence, the present writ petition.

3. According to the learned counsel for the petitioner, without properly verifying the approximate vacancies, the respondent had notified the panel for promotion to the post of Deputy Tahsildar. He further submitted that the impugned proceedings affects the petitioner's seniority in the Post the Deputy Tahsildar. Moreover, the petitioner's name was included in the list of Deputy Tahsildar for the year 2018 and kept below the persons included in the inter se seniority list of feeder category of the post of Deputy Tahsildar for the year 2012-2013. He, therefore, prayed for setting aside the impugned order.

4. Learned Additional Government Pleader appearing for the respondents would submit that the date for assessment of vacancies for the drawal of the list



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of Deputy Tahsildars under Tamil Nadu Revenue Subordinate Services Rules is 15th September of every year. The power for the approval for vacancy position in the cadre of Deputy Tahsildars have been delegated to the Collector as per the G.O.(MS) No. 193, Revenue (Service(2) Department, dated 24.04.2010. He further submitted that due to the vacancies that arose during the year 2017, temporary promotion was given to the petitioner as per the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and Rule 39(a) and 47 of the Tamil Nadu State and Subordinate Services Rules. He also submitted that the crucial date for the arrival of Deputy Tahsildar panel was September 15, 2017 and Deputy Tahsildar Panel for the year 2017 was arrived on 26.12.2017 by considering the available vacancies, leave, reserved and contingency vacancies. As per Section 27(f) of the Tamil Nadu Government Servants (Conditions of service) Act 2016, the list of Deputy Tahsildar panel was revised and notified from the year 2004 to 2018 and for the year 2019, Deputy Tahsildar was notified. In the year 2017, the petitioner's name was included in the panel as per inter-se seniority in the 2011-12 Assistant panel, but the Assistant Panel was revised as per merit for the directly recruited assistant by the proceedings of Additional Collector (Revenue) dated



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07.04.2022. Therefore, the revised and re-notified panel of Deputy Tahsildar for the year 2017, 2018 and 2019 vide impugned proceedings No.A2/9988/2022 dated 06.05.2023 issued by the District Collector/3rd respondent is not arbitrary, but based on the already arrived vacancy in the year 2017. In the revised list, a revised roster for communal rotation in the annexure of the G.O.Ms.No.55, P&AR(K) Department, dated 08.04.2010 was also followed. Based on the said exercise, the petitioner's name was included automatically in the 2018 panel in the revised panel list. It is pertinent to note that the estimated vacancy of Deputy Tahsildars for the year 2017 is 20, which was already fixed. Afterwards, as per the order of the Hon'ble Supreme Court, the panel was revised on 26.05.2023 based on TNPSC seniority without changing the estimated vacancy of 20 which was arrived in the year 2017. The objection from the petitioner was received only after a period of six (6) years. At this juncture, now there is no way to change the number of the estimated vacancies of the year 2017 and no petition was received till 2024 from the petitioner to re-calculate the approved vacancy for the post of Deputy Tahsildar of the year 2017 as 33 at the time of panel arrived in the year 2017. Hence, the impugned proceedings No.A2/9988/2022 issued by the District Collector, dated



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06.05.2023, is not contrary to the Rules.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and this Court has perused the materials available on record carefully.

6. Admittedly, the petitioner was promoted to the post of Deputy Tahsildar as per the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and as per Rules 39(a) and 47 of the Tamil Nadu State and Subordinate Service Rules, the petitioner's name was included in the panel as per inter se seniority in the year 2011 to 2012 and the Assistant Panel was revised as per merit list vide proceedings dated 07.04.2022. Accordingly, the petitioner was placed over than others. Thereafter, the 3rd respondent issued a revised Deputy Tahsildar Panel for the year 2016 to 2019 as per the orders passed by the Hon'ble Supreme Court of India. Further, it is also based on the vacancies that arose in the year 2017 and also following the roster for communal rotation. The petitioner's name was included in the panel for the post of Deputy Tahsildar in the year 2017 as per the order of the Hon'ble Supreme Court of India, her seniority was revised. Therefore, there is no merit in the contention raised by the petitioner to challenge the revised seniority list.



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7. In view of the above, this writ petition is dismissed. No costs.

Consequently connected miscellaneous petitions are closed.

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msv

Index: Yes/No

Internet: Yes/No

Speaking order: Non-speaking order

Neutral Citation: Yes/No

To

1. The Secretary,
Revenue Department,
St. Fort George, Secretariat,
Chennai.

2. Commissioner of Revenue Administration
Revenue Department
Chepauk, Chennai – 05.

3. The District Collector,
Cuddalore District – 607 001.

4. District Revenue Officer,
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