



W.P.No.26821 of 2014

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.06.2024

CORAM

THE HON'BLE MRS. JUSTICE **R.KALAIMATHI**

W.P.No.26821 of 2014

and

M.P.No.1 of 2014

G.Janakiraman

... Petitioner

Vs.

1.The Secretary to Government,
Revenue Department,
Fort St.George,
Chennai-9.

2.The Additional Chief Secretary /
Commissioner of Revenue Administration,
Chepauk,
Chennai-5.

3.The District Collector,
Villupuram.

4.The District Revenue Officer,
Villupuram.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the third respondent in his proceedings No.Ref.A.1/36000/2013



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dated 05.02.2014 in respect of non inclusion of the petitioner's name in the panel of Deputy Tahsildars for the year 2013 in Villupuram District and to quash the same, insofar as the petitioner is concerned and consequently direct the third respondent to include the petitioner's name B.Chinnaraj and above Rajendran in the panel of Deputy Tahsildars for the year 2013 vide Ref.No.A1/36000/2013 dated 05.12.2014 and direct the respondents to pay the retirement benefits with notional promotion.

For Petitioner : Mr.S.Vijayakumar
for Mr.J.Melwin Jabaz.

For Respondents : Mr.G.Velu (Revenue)
Additional Government Pleader

ORDER

The proceedings No.Ref.A1/36000/2013 dated 05.02.2014, issued by the Collector of Villupuram District is under Challenge.

2. The petitioner submits that he joined in the Revenue Department as Village Administrative Officer (V.A.O.) through Tamil Nadu Public Service Commission (TNPSC) on 12.03.1984 at Tindivanam Taluk and on 04.06.2009, he was promoted as Revenue Assistant. He is put in 30 years of unblemished service. He was not subjected to any enquiry proceedings whatsoever in the past. He was superannuated on 31.03.2014.



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3. The petitioner further submits that he was eligible for promotion to the post of Deputy Tahsildar for the year 2013. The crucial date for drawal of panel for the post of Deputy Tahsildar is 15th September of every year. As he did not pass criminal test part-II and reached the age of 53 years, he sought exemption to claim promotion in terms of G.O.(Ms).No.1120, Personnel and Administrative Reforms Department, dated 30.10.1984. A representation was made by him on 20.06.2013 to the 3rd respondent and orders were passed by the 3rd respondent on 10.07.2013. After some clarifications, exemption was accorded in G.O.[2D] No.119, Revenue [Service 3 [2]] Department, dated 10.02.2014. Meanwhile, panel of Deputy Tahsildar for the year 2013 was released on 05.02.2014. Had representation been processed within a reasonable period, his name would have been included in the panel drawn for the year 2013 for the post of Deputy Tahsildar on 05.02.2014. Hence, this writ petition.

4. Mr.G.Velu, learned Additional Government Pleader appearing for the respondents would contend that as the petitioner did not pass the Departmental Test, he sought for exemption only after getting a Government Order for relaxation of relevant service rules, the Government servant will



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become qualified for considering himself to the next avenue for promotion.

He would further contend that the Government have issued Orders in the case of the petitioner only on 10.02.2014. His immediate senior at Sl.No.12 of the list was promoted only on 07.06.2014. The petitioner retired from service on 31.03.2014 and on that date four persons belonging to Deputy Tahsildar list of 2013 awaited promotion and they were promoted only on 07.06.2014 i.e., after the retirement of the individual and sought for dismissal of this writ petition.

5. Heard Mr.S.Vijayakumar, learned counsel for the petitioner and Mr.G.Velu, learned Additional Government Pleader appearing for the respondents.

6. As per service rules, promotion panel has to be drawn on 15th of September every year. The petitioner has made representation on 20.06.2013 to the respondents. The 4th respondent namely District Revenue Officer of Villupuram considered his representation and recommended his case to the 2nd respondent for Orders vide proceedings No.ROC.No.A2/19612/2013 dated 10.07.2013. It is pertinent to note that



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the Government had sought for some clarifications vide letter dated 12.09.2013 with regard to the punishment of censure, inflicted on petitioner on 17.06.1992. It was clarified by the 3rd respondent in his proceedings No.ROC.A2/19612/2013 dated 31.10.2013. The crucial point is that the Government Order of exemption was accorded in G.O.[2D].No.119, Revenue [Service 3[2]] Department, dated 10.02.2014.

7. The promotion panel for the post of Deputy Tahsildar was drawn on 05.02.2014. On the said date, the petitioner was not accorded exemption. After 5 days from the date of release of promotion panel, exemption was accorded for the petitioner. Therefore, it should not lie in the mouth of the petitioner that his name should have been added in the promotion panel for the post of Deputy Tahsildar.

8. A Government servant cannot claim promotion as a matter of right. The moot question is on the date of drawal of panel for the post of Deputy Tahsildar, whether he was fully qualified or not. The petitioner did not pass criminal test part-II and sought for exemption through his representation dated 20.06.2013 and after the formalities, exemption was



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accorded in G.O.[2D].No.119, Revenue [Service 3[2]] Department, dated 10.02.2014. But the promotion panel was released 5 days before the said date.

9. Based on the aforesaid observations, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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ssn

Index: Yes / No

Speaking Order / Non Speaking order



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