IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.20192 of 2022
and W.M.P.Nos.19439 and 19442 of 2022

1. C.Shanthi
2. M.A.Puppytha Banu
3. S.Mageshwari
4. M.Alagulakshmi
5. J.Santhosam ...Petitioners

-Vs-

1. The State of Tamil Nadu,
represented by its Principal Secretary to Government,
Revenue and Disaster Management Department,
Fort St.George,
Chennai – 600 009.

2. The Commissioner of Revenue Administration,
Chepauk, Chennai – 600 005.

3. The District Collector,
Krishnagiri District,
Krishnagiri.

4. The Tamil Nadu Public Service Commission,
represented by its Secretary,
TNPSC Road, V.O.C.Nagar,
Park Town, Chennai – 600 003. ... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent dated 30.07.2022, having Ref.No.Na.Ka.No.816/2022/A1 and quash the same and consequently directing the third Respondent to await the orders of the Honorable Supreme Court in Contempt Petition (Civil) Diary No.6415 of 2021 dated 14.07.2022 before any decision is taken on the reversion of the Petitioners from the post of Deputy Tahsildars to the post of Senior Revenue Inspector.

For Petitioners	: Mrs.Nalini Chidambaram, Senior Counsel for Mrs.C.Uma
For R1 to R3	: Mr.R.Kumaravel Additional Government Pleader
For R4	: Mrs.G.Hema Standing Counsel

ORDER

This writ petition has been filed calling for the records of the third respondent dated 30.07.2022, having Ref.No.Na.Ka.No.816/2022/A1 and quash the same and consequently directing the third respondent to await the orders of the Honorable Supreme Court in Contempt Petition (Civil) Diary No.6415 of 2021 dated 14.07.2022 before any decision is taken on the reversion of the Petitioners from the post of Deputy Tahsildars to the post of Senior Revenue Inspector.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioners were appointed as Senior Revenue Inspectors on 19.12.2012 through the fourth respondent herein. The petitioners underwent five years training in Taluk Office, Collectorate, Firka Revenue Inspectors for two years and had written departmental examination. Between the year 2020 and 2021, the petitioners were promoted as Deputy Tahsildars in Krishnagiri District, as per the following details:-

SI.No	*Name*	*Date of appointment as Senior Revenue Inspector*	*Date of promotion as Deputy Tahsildar*	*Existing Seniority List*	*Revised Seniority List*
1.	C.Santhi	19.12.2012	20.01.2020	19	57
2.	M.A.Puppytha Banu	19.12.2012	21.07.2021	37	64
3.	S.Mageshwari	19.12.2012	21.07.2021	32	65
4.	M.Alagulakshmi	19.12.2012	20.01.2020	14	72
5.	J.Santhosam	19.12.2012	21.07.2021	36	76

4. While being so, as per the order passed by the Hon'ble Division Bench of this Court, the seniority cannot be fixed based on roaster points and only based on merit, the seniority list has to be drawn. Subsequently, the order passed by the Hon'ble Division Bench of this Court was also confirmed by the

Hon'ble Supreme Court of India. Based on the said order, the petitioners were reverted to the post of Senior Revenue Inspectors.

5. The learned Senior Counsel appearing for the petitioners would submit that Contempt Petitions were filed before the Hon'ble Supreme Court of India, in which a status report has been filed by the Secretary to Government, Revenue and Disaster Management Department dated 11.07.2022. In the said status report, the State Government stated that revising the seniority for a large number of personnel without cut off date can create administrative and financial crisis to the Department. Further sought for clarification that whether the revised seniority of the Departments covered under 2015 and 2019 Judgments shall operate only prospectively for the purpose of consequential benefits. It is still pending before the Hon'ble Supreme Court of India.

6. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that this position has been already clarified by the Hon'ble Supreme Court of India, by an order dated 18.04.2023. The Hon'ble Supreme Court of India in ***Cont.P.(Civil) Diary No(s).6415 of 2021*** dated ***18.04.2023*** clarified as follows:-

" 16. We are of the view that though it can be said that even after the judgment of the ***Indira Sawhney*** *(supra) on 16th November, 1992, the State could not have prepared the merit list on the basis of roster point, we find that it will not be appropriate to reopen the issues from as early as 1992. We find that in any case, once the law was pronounced by this Court specifically in the case of* ***Bimlesh Tanwar (supra)****, the State was bound to follow the same.*

17. We, therefore, though are not inclined to disturb the seniority lists which are finalized prior to 10th March, 2003 wherein the benefit is granted to either of the parties i.e. as per the roster or as per the seniority list, the seniority list finalized after 10th March, 2003 will have to be re-visited in accordance with the law laid down by this Court in ***Bimlesh Tanwar (supra)*** *and the first judgment of the Madras High Court .*

18. We are unable to accept the contention of the learned AAG that the State is not equipped to complete the exercise. He submitted that this exercise has to be conducted in about 54 Departments.

19. If the State has 54 Departments, at least there would be Additional 54 Secretaries/Principal Secretaries/Additional Chief Secretaries heading those Departments. Under such Secretaries, there will be at least half a dozen Joint Secretaries and more than a dozen Deputy Secretaries and about two dozen Under Secretaries working in each of the Department. Further, at the divisional levels also, there would be Heads who would be heading the Department insofar as the Divisions are concerned. We are therefore, not inclined to accept the argument.

20. If the State has the will to do, it can very well comply with the orders passed by the Division Bench of the Madras High Court and affirmed by this Court.

21. We therefore, direct the State Government to complete the exercise of finalizing the seniority lists of selection processes conducted after 10th March, 2003 on the basis of the principle that the seniority list shall be reckoned only on the basis of the merit as determined by the TNPSC in the selection process.

22. It is further made clear that if any list is finalized in case of selections held prior to 2003 giving benefit to the persons selected as per their seniority or as per merit, the same shall also not to be disturbed."

7. Thus, it is clear that the seniority list which were finalized prior to 10.03.2003 were not disturbed and the benefits granted to either of the parties as per the roaster or as per the seniority list were not disturbed. However, the seniority list finalized after 10.03.2003 will have to be re-visited in accordance with the law laid down by this Court in **Bimlesh Tanwar (supra)** and the Judgment passed by this Court. Therefore, as per the order passed by the Hon'ble Supreme Court of India, the third respondent revised the seniority list on merits and rightly reverted the petitioners from the post of Deputy Tahsildars to the post of Senior Revenue Inspectors.

8. In view of the above, this Court finds no infirmity or illegality in the order passed by the third respondent dated 30.07.2022, in Ref.No.Na.Ka.No.816/2022/A1 and this writ petition is devoid of merits and is liable to be dismissed.

9. Accordingly, this writ petition is dismissed. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

26.02.2024
(½)

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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To

1. The Principal Secretary to Government,
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Chennai – 600 009.

2. The Commissioner of Revenue Administration,
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Park Town, Chennai – 600 003.

G.K.ILANTHIRAIYAN. J,

mn

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