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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.23597 of 2024

A.Rajamanickam

... Petitioner

Vs.

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

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

3.The District Collector,
Dharmapuri District,
Dharmapuri.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to give promotion as Tashildar from the year 2005 and Deputy Collector from the year 2009, by considering the representation made by the petitioner dated 10.04.2023, 21.11.2023 and 09.02.2024 fixing outer time limit, and confer all the consequential benefits.



For Petitioner : Mr.P.Ganesan

For Respondents : Mr.G.Velu
Additional Government Pleader

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to grant promotion as Tahsildar from the year 2005 and Deputy Collector from the year 2009 by considering the various representations made by the petitioner.

2.Heard Mr.P.Ganesan, learned counsel appearing on behalf of the petitioner and Mr.G.Velu, learned Additional Government Pleader appearing on behalf of respondents 1 to 3.

3.The case of the petitioner is that he joined as a Junior Assistant on 10.02.1981. The petitioner is a differently abled person. He was promoted as Assistant in the year 1984 according to his seniority. The next avenue of promotion to the petitioner was to the post of Deputy Tahsildar. Even though, the petitioner was qualified, his name was not included in the 1996-1997 panel. The petitioner requested to consider his name for inclusion in the panel under the Physically Handicapped quota. The 2nd respondent through proceedings dated 31.03.2021, rejected the claim made by the petitioner. Aggrieved by the same, the petitioner filed O.A.No.4340 of



2001 before the Tamil Nadu Administrative Tribunal. The petitioner apart from challenging the proceedings of the 2nd respondent dated 31.03.2001 also challenged G.O.Ms.No.159, dated 27.06.1994, insofar as it denies the benefit conferred on the differently abled persons in service for which the 1% quota was fixed.

4.O.A.No.4340 of 2001 came to be transferred to this Court and it was renumbered as W.P.No.4482 of 2007. Pending the writ petition, the petitioner was promoted to the post of Deputy Tahsildar in the year 2007. When the writ petition came up for final hearing on 20.07.2011, this Court allowed the writ petition and directed the 1st respondent to include the name of the petitioner in the panel of Assistants fit for promotion to the post of Deputy Tahsildar for the year 1996-1997 under the Physically Handicapped quota and also grant promotion as Deputy Tahsildar. This Court also made it clear that the promotion only will be on notional basis and no actual monetary benefits will be granted except the refixation of pay.

5.The petitioner retired from service on 31.07.2011 in the cadre of Deputy Tahsildar. The order passed in the writ petition was not complied with and therefore, the petitioner filed Cont.P.No.846 of 2015. During the pendency of the contempt petition, the 3rd respondent issued proceedings dated 25.09.2015 which is the revised



notification for Deputy Tahsildar panel for the year 1996-1997 and the petitioner was assigned Serial No.7(a). The petitioner did not get any further promotion, since he had retired from service by then.

6.The petitioner made a representation on 06.04.2016 to provide notional promotion benefits to the petitioner to the post of Tahsildar, Deputy Collector and to revise the pension and refixation of the pay and to pay the arrears of salary.

7.The petitioner filed W.P.No.31309 of 2016 for a direction to the 1st respondent to grant promotion as Tahsildar from the year 2005 and Deputy Collector from the year 2009 in the light of the earlier order passed by considering the representation made by the petitioner. This writ petition was disposed of by an order dated 03.10.2016, directing the 1st respondent to consider the representation made by the petitioner. In the meantime, the Government filed W.A.No.914 of 2017 against the earlier order passed in W.P.No.4482 of 2007. This writ appeal was dismissed by an order dated 17.07.2019. Only thereafter, the name of the petitioner was included in the 1996-1997 Deputy Tahsildar panel. A Special Leave Petition was also filed against the order passed in the writ appeal and the same was also dismissed by the Apex Court by an order dated 08.11.2021.



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8.The petitioner thereafter made several representations to the 1st respondent to grant promotion to the petitioner as Tahsildar from the year 2005 and Deputy Collector from the year 2009. Since the same did not evoke any response, the present writ petition has been filed before this Court.

9.When the matter came up for hearing on 16.08.2024, this Court directed the learned Additional Government Pleader to take written institutions considering the fact that the petitioner is already aged about 71 years and inspite of the favourable orders passed in his favour earlier, he was not able to get the fruits of the order passed by this Court.

10.When the matter was taken up for hearing today, the learned Additional Government Pleader circulated the written institutions received from the District Collector, Dharmapuri. The relevant portions are extracted hereunder:

10.In this connection, I wish to submit that necessary proposals for relaxation of rule 7(b), 8(a) of Tamil Nadu Revenue Subordinate



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Services Rule for non completion of Police Training, Magisterial Training and for non completion probation in the cadre of Deputy Tahsildar at the crucial date, i.e., 01.07.2005 for the drawl of panel of Tahsildar for the year 2005 was sent to 2nd respondent/Commissioner of Revenue Administration, Chennai vide this office Roc.5614/2011/A2 Dt.29.11.2021 & 19.03.2024.

11.And the same was forwarded by the 2nd respondent to the 1st respondent/Secretary to Government, Chennai vide Na.Ka.Pani.3(2)/01/373/2022, dated 06.05.2024 which is under consideration of the government for passing final orders.

12.With regard to the request of promotion of deputy Collector for the year 2009 will only be presumed depending upon the orders to be passed by the 1st respondent/Secretary to Government.

11.It is clear from the above that the necessary proposal for relaxation of the Rules to include the name of the petitioner in the panel of Tahsildar and promotion as Deputy Collector, has already been placed before the 1st respondent by the 2nd respondent through communication dated 06.05.2024. In view of the same, the 2nd respondent is now awaiting for the final orders to be passed by the 1st respondent in order to grant the relief sought for by the petitioner.



12. In the light of the above discussion, there shall be a direction to the 1st respondent to pass appropriate orders, within a period of twelve weeks from the date of receipt of copy of this order on the proposal that has already been placed by the 2nd respondent through proceedings dated 06.05.2024. On such orders being passed by the 1st respondent, the 2nd respondent shall implement the same and grant the necessary relief as sought for by the petitioner.

13. This writ petition is disposed of with the above directions. No Costs.

26.09.2024

Internet : Yes
Index : Yes
Speaking Order
Neutral Citation : Yes/No
SSR



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N. ANAND VENKATESH, J.

SSR

To

- 1.The Secretary,
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