



W.P.(MD).No.24309 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.24309 of 2023

E.Prem Kumar

... Petitioner

Vs.

**1.The Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai-600 009.**

**2.The District Collector,
Thanjavur District,
Thanjavur.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent i.e., the Principal Secretary to Government, Revenue and Disaster Management Department, Chennai to notionally promote the petitioner in the cadre of Assistant on par with his junior, Annadurai and refix the pension, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

**For Respondents : Mr.M.Siddharthan
Additional Government Pleader**



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ORDER

The present writ petition has been filed seeking direction to the first respondent i.e., the Principal Secretary to Government, Revenue and Disaster Management Department, Chennai to notionally promote the petitioner in the cadre of Assistant on par with his junior, Annadurai and refix the pension, within a specified time frame that may be fixed by this Court.

2. The petitioner has joined duty as Office Assistant as sponsored by the District Employment Exchange in the year 1986 in the Taluk Office, Pattukottai, Thanjavur District. He was promoted as Junior Assistant in the year 1989 and he retired as Junior Assistant while lastly serving in the office of the Special Tahsildar (SSS), Peravurani. His name was not included in the approved list of Assistants of the year 2008 on the ground that his period of probation in the cadre of Junior Assistant was not declared to have been completed.

3. When the matter was taken up before this Court in W.P(MD)No.9854 of 2010 and on the direction of this Court, the District Collector had sent proposal for declaration of petitioner's probation vide letter, dated 04.11.2010



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to the Government. The Government vide G.O.(2D)No.273 Revenue (Service-6(2)) Department, dated 31.05.2013 granting necessary exemption for declaration of petitioner's probation in the cadre of Junior Assistant with effect from 11.01.2004. The petitioner's probation was declared with effect from 11.01.2004 vide G.O.(2D)No.273 Revenue (Service-6(2)) Department i.e., after a delay of nearly 9 years. Therefore, he made a representation to the Government through proper channel on 25.01.2014 for promoting him to the post of Assistant notionally with effect from 2008 on par with his junior and to refix the pay on par with his junior. Since the same was not considered, the present writ petition came to be filed.

4. Per contra, the learned Additional Government Pleader on instructions submitted that already the name of the petitioner has been included in the panel of Assistants for the year 2008 and the question of considering refixation of pay and subsequently, pension is yet to be considered and that will be done in the course of time.

5. In view of the submission made by the learned Additional Government Pleader, this Court hereby direct the 1st respondent to notionally promote the petitioner in the cadre of Assistant on par with his junior Annadurai and refix



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the pay and subsequently the pension within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

24.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes

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To

1.The Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai-600 009.

2.The District Collector,
Thanjavur District,
Thanjavur.



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L.VICTORIA GOWRI, J.

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