



W.P.No.20795 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.20795 of 2018 and
W.M.P.No.24416 of 2018

Kamala Krishnamoorthy

... Petitioner

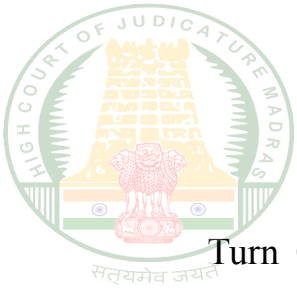
Vs.

1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Revenue Department,
Fort Saint George,
Chennai 600 009.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the orders issued by the first respondent in G.O.(2D) No.390, Revenue & Disaster Management Department Services - 1 dated 20.12.2017 and quash the same and consequently, direct the respondents to place the petitioner in the panel of Deputy Collectors for the year 1997-1998 above the name of her immediate junior Mr.A.Ravi (General



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Turn Candidate) in the post of Deputy Collector with effect from his promotion date with all consequential service, monetary and retirement benefits.

For Petitioner : Mr.P.Srinivas
For Respondents : Mr.T.Chezhiyan, AGP

ORDER

This Writ Petition has been filed to call for the records relating to the orders issued by the first respondent in G.O.(2D) No.390, Revenue & Disaster Management Department Services - 1 dated 20.12.2017 and quash the same and consequently, direct the respondents to place the petitioner in the panel of Deputy Collectors for the year 1997-1998 above the name of her immediate junior Mr.A.Ravi (General Turn Candidate) in the post of Deputy Collector with effect from his date of promotion with all consequential service, monetary and retirement benefits.

2. Heard Mr.P.Srinivas, learned counsel for the petitioner, Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents and perused the materials available on record.

3.The petitioner has joined as Junior Assistant on 16.11.1968 and



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she had been promoted to the post of Assistant in the year 1973 and then promoted as Superintendent in the year 1985. The city list of Tahsildar for the year 1993 was drawn by the second respondent. In the city list, four persons including the petitioner were included. After six months of completion of Deputy Tahsildar training, she was ordered to undergo training from 14.05.1995 to 13.06.1995. She started the said training in the Judicial Magistrate Court, Arakonam and completed it on 31.01.1996. Thereafter, she joined as Tahsildar on 07.02.1996.

4. One year service is an essential requirement for Tahsildar to be included for the next level promotion panel as Deputy Collector. The Government has approved the list of 205 names of persons as Deputy Collectors for the year 1996-97 vide G.O.Ms.No.197, Revenue (Ser-1-2) Department dated 17.02.1997. One of the senior to the petitioner by name A.Vaidyanathan was included at S.No.1 of that order. After completion of two years of Tahsildar training on 17.02.1997 and after being promoted to the post of Superintendent in the second respondent's office, the petitioner presented a petition explaining 50 days delay in



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getting orders of the High Court for including her name in the panel for the year 1996. But no reply was received. The panel in which the petitioner has been included on 30.01.2004 is seen to be the panel for the year 2001-02.

5. The petitioner presented an Appeal to the first respondent explaining 10 months of administrative delay for issuing a re-allotment orders by the second respondent and condoned the delay. But the request was turned down and it was told that she was the reason for the delay and hence, her prayer could not be accommodated. Against the above order of the Government dated 28.12.2004, the petitioner has filed a Writ Petition in W.P.No.2547 of 2005 and an order has been passed on 15.12.2010 by dismissing the said Writ Petition. The appeal filed by the petitioner in W.A.No.447 of 2011 was also dismissed on 30.03.2012. The review petition was also dismissed on 04.02.2012. The petitioner has filed an Original Appeal before the first respondent for including the name of the petitioner for the post of Deputy Collector for the year 1997-98. The petitioner claims that she is fit to be included for promotion panel for the



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year 1997-98 for the post of Deputy Collector.

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6. The learned counsel for the petitioner submitted that among two years Tahsildar training, the petitioner has completed 180 days of Special Judicial Magistrate Training. As there was an administrative delay in appointing the Special Judicial Magistrate, after completion of one month police training, the petitioner cannot be put to disadvantage. She had pleaded to condone the above administrative delay of 51 days, so that her date of completion of two years of training would be advanced to 18.12.1996 i.e., before the crucial date of 31.12.1996. The petitioner has filed an appeal before the first respondent to include her name in the panel for Deputy Collector for the year 1997-98. Since her request was rejected, the petitioner has filed this Writ Petition.

7. The learned Additional Government Pleader for the respondents submitted that the petitioner has not completed one year service as Tahsildar on the crucial date for Deputy Collector panel i.e., on 31.12.1995. But she has completed the training only on 07.02.1997. As the petitioner has not completed the training before the crucial date for including in the Deputy Collector panel list for the year 1996-97, the



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petitioner has not reached the zone of consideration. The petitioner's name was included only for the panel year 2001-02. The petitioner has cleared the accounts test on 16.08.1992 and thereafter, she had become eligible to be included for the city list of Tahsildar for year 1993. One A.Ravi who is junior to the petitioner in the cadre of Superintendent has passed all the tests before the crucial date of city list for the year 1992 (i.e) 01.03.1992. She was allotted regular service as Tahsildar only on 07.02.1996. Hence, the petitioner cannot be treated on par with her junior A.Ravi.

8. The learned Additional Government Pleader further submitted that condonation of delay can be given only on administrative reasons and not on personal grounds. As the petitioner has stated that she had served as Tahsildar on 07.02.1996, her name was included in the panel for the year 2001-02. The petitioner was posted as a Deputy Tahsildar at Virudachalam Taluk in South Arcot District on 14.03.1994. But, she has not joined in the said training and requested to issue alternative postings.

9. In the extraneous circumstances stated by the petitioner, I feel it is appropriate to direct the respondents to condone the delay and rework



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the petitioner's seniority for any previous year and pass orders afresh.

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10. In view of the above stated reasons, this Writ Petition is disposed and the impugned order passed in G.O.(2D) No.390, Revenue & Disaster Management Department Services - 1 dated 20.12.2017 is set aside. The respondents are directed to consider the matter afresh by condoning the delay of 51 days and re-work the petitioner's seniority by empanelling her in any of the ideal earlier years promotion panel to the post of Deputy Collector for giving her notional benefit and count the term for which the notional impact is given for terminal benefits and pass orders in this regard within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
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R.N.MANJULA,J.

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To

- 1.The Secretary to Government,
Revenue Department,
Fort Saint George,
Chennai 600 009.
- 2.The Principal Secretary,
Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai 600 005.

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