



W.P.No. 8598 of 2020

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.8598 of 2020

K.R. Balaji

.. Petitioner

Versus

1.The Secretary to Government,
Revenue Department,
Secretariat, Fort ST. George,
Chennai – 600 009.

2. The Secretary to Government,
Finance Department,
Secretariat, Fort St.George, Chennai – 600 009.

3. The Secretary,
Tamil Nadu Public Service Commission, TNPSC Road,
V.O.C. Nagar, Park town,
Chennai – 600 003.

4. The District Collector,
Salem District.

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to place



W.P.No. 8598 of 2020

WEB COPY

the petitioner in the list of Panel of Assistants for the year 1996-1999 and thereafter placed the petitioner in the Panel list of Deputy Tahsildar and Tahsildar to the appropriate years by considering petitioner's representation dated 15.03.2020 and pass orders.

For Petitioner : Mr.R. Marudhachalamurthy

For Respondents 1,2,3 & 5 : Mr.R.U.Dinesh Kumar
Additional Government Pleader

For Respondent-4 : MR.R. Bharanidharan,SC

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus directing the respondents to place the petitioner in the list of Panel of Assistants for the year 1996-1999 and thereafter placed the petitioner in the Panel list of Deputy Tahsildar and Tahsildar to the appropriate years by considering petitioner's representation dated 15.03.2020 and pass orders.

2. The facts of the case is that the petitioner got selected in the Combined Subordinate Service conducted by the TNPSC for the post of



W.P.No. 8598 of 2020

WEB COPY

Assistant in the first respondent Department. Inspite no posting orders was issued after the selection process therefore, the petitioner approached the Administrative Tribunal in O.A.No.5443 of 2002 wherein a direction was issued to the Government to provide postings and appointment orders to those applicants either by themselves or through respective District Collectors. The said order was challenged in W.P.No.6512 of 2003 and W.M.P.No.8381 of 2003. There was a vacate stay petition filed by the respondent wherein a direction was issued that the petitioners who approached the Tribunal would be accommodated within a period of four weeks. Pursuant to that the first respondent passed G.O.Ms.No.293 Rev(Ser-6(2) Dpt) dated 14.06.2004, wherein it was stated that while issuing posting orders the seniority list published by the TNPSC should not get affected. However, the 5th respondent issued order in ROC.No.47009/04-A3 dated 16.07.2004 directing the petitioner to join the duty. The sum and substance of the case is that inspite of the fact that the vacancies were notified by the 4th respondent for the year 1996-1999 the petitioner was permitted to join duty on 24.07.2004. Hence a period of 5 years 7 months was lost in view of delay on the part of the



W.P.No. 8598 of 2020

WEB COPY

respondents, which resulted huge loss in the petitioner's carrier. Hence, this petition.

3. The learned counsel for the petitioner submits that the delay in issuing posting orders is only on the fault of the respondents. Hence, in order to rectify the same the petitioner should be placed in the list of panel of assistants for the year 1996-1999(the date of notification) and thereafter place him in the list of panel list of Deputy Tahsildar or Tahsildar. Therefore, prays to allow this petition.

4. The learned Additional Government Pleader appearing for the respondents submitted that there is no rule to fix the seniority as per the date of notification. The seniority should be fixed only by the list published by the TNPSC. He further submits that there is no merit in the submission made by the petitioner and prays to dismiss this petition.

5. Heard both sides and perused the materials available on record.

6. The core contention of the petitioner is that the seniority should be fixed only from the date of notification, but the fact remains that there is no Rule to fix the seniority from the date of notification.



W.P.No. 8598 of 2020

WEB COPY

7. To arrive at a better conclusion, it is just and necessary to answer to the question which arises for consideration in this writ petition is whether the date of joining or the date of appointment should be taken account for the purpose of fixing the seniority.

8. It is seen from records that the appointment order was issued to the petitioner on 24.08.2001 and he joined only after the lapse of 5 years and 7 months i.e on 24.07.2004. On 14.06.2004 the first respondent had passed G.O.Ms.No.293 Rev(Ser-6(2) Dept) dated 14.06.2004 wherein it has been stated that while even though the candidates who were selected to the post of Assistant joined duty on various dates in different districts, the consolidated seniority list published by the TNPSC will be retained.

9. In view of the above, it is made clear the date of issuance of appointment order i.e 24.08.2001 should be taken into consideration for fixing the seniority and not the date of joining i.e 24.07.2004. Hence, the authorities of 4th respondent/TNPSC is directed to take note of the



W.P.No. 8598 of 2020

WEB COPY

observation made in G.o.Ms.No.293 dated 14.06.2004 and implement the same.

10.With the above directions, this Writ Petition stands disposed of.

No order as to costs.

03.02.2025

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn
To

- 1.The Secretary to Government,
Revenue Department,Secretariat, Fort ST. George,
Chennai – 600 009.
2. The Secretary to Government,
Finance Department,
Secretariat, Fort St.George, Chennai – 600 009.
3. The Secretary,
Tamil Nadu Public Service Commission, TNPSC Road,
V.O.C. Nagar, Park town,
Chennai – 600 003.
4. The District Collector,
Salem District.



WEB COPY



W.P.No. 8598 of 2020

V.BHAVANI SUBBAROYAN, J.

smn

W.P.No.8598 of 2020

03.02.2025

1/2