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WP No. 25547 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-04-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

WP No. 25547 of 2018

1. S. Padmaja

Tahsildar(ret'd), 20-a somasundram
Nagar, Koothapakkam, cuddalore 607
002.

Petitioner(s)

Vs

1. The Government of Tamil Nadu
Rep.by the secretary, revenue and
Disaster Management Department
service wing, ser-I Section, Fort St.
George, Chennai 600 009.Chennai

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

3.The Collector
Cuddalore - 607 001, cuddalore
District.

Respondent(s)



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records on the file of the first Respondent in relation to G.O. (2D) No.329, Revenue and Disaster Management Department Services wing, Ser-I section Dated 2.11.2017 and quash the same and to consequently direct the Respondents to include the name of the Petitioner in the appropriate place in the approved list of Deputy Collectors 2012-2013 as issued in G O Ms. No. 246, Revenue (ser1) Department dated 06.07.2013 and notionally promote the petitioner as Deputy Collector with retrospective effect from the date of promotion of the Petitioner's immediate junior with all consequential benefits including revision of pensionary benefits within the time frame.

For Petitioner : Mr.M.Ravi
For Respondent(s): Mr.A.M.Ayyadurai
Government Advocate

ORDER

The writ petition has been filed to quash the order of the first Respondent in G.O. (2D) No.329, Revenue and Disaster Management Department Services wing, Ser-I section Dated 2.11.2017 and to consequently direct the Respondents to include the name of the Petitioner in the appropriate place in the approved list of Deputy Collectors 2012-2013 issued in G O Ms. No. 246, Revenue (ser1) Department dated 06.07.2013 and notionally promote the petitioner as Deputy Collector with retrospective effect from the date of promotion of the Petitioner's immediate junior, with all consequential benefits including revision of pensionary benefits.



2. Mr.M.Ravi, the learned counsel for the petitioner, submitted that the petitioner is qualified and eligible to be promoted to the post of Tahsildar as on 01.07.2009 and she was also working in the same post from 01.07.2009. As the petitioner was holding the post from 01.07.2009, the respondents ought to have considered her to be included in the approved list for promotion to the post of Deputy Collector for the year 2012 – 2013. It is further submitted vide the impugned Government Order dated 06.07.2013 that, the persons junior to the petitioner have been included and they have been promoted as Tahsildar and they have got the opportunity to get included in the approved list for promotion to the post of Deputy Collector. Hence, the learned counsel for the petitioner contended that the petitioner should also be included in the panel for promotion.

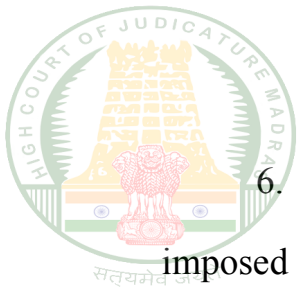
3. Mr.A.M.Ayyadurai, the learned Government Advocate for the respondents, submitted that while the petitioner was working as a Deputy Tahsildar on 26.06.2009, in order to fill up the temporary vacancies that existed in the higher cadre of Tahsildar, on a temporary measure, 8 Deputy Tahsildars including the petitioner were temporarily promoted under Rule 39 (a)(i) of formerly Tamil Nadu State and Subordinate Service Rules, now Section 47 (1) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. While giving such promotion, a specific condition was imposed stating that no preferential treatment would be given to the adhoc promotees in the matter of next promotion. The petitioner received the order on 26.06.2009 and joined as Special Tahsildar (Land Acquisition) on 29.06.2009. However his regular



service in the post of Tahsildar commences only from 30.10.2009 after inclusion of his name in the panel on 30.10.2009. As per Rule 39 (e) of formerly Tamil Nadu State Subordinate Service Rules, now Section 47 (5) of the Tamil Nadu Government Servants (Conditions of Service), Rule 2C would state that the petitioner is not eligible to claim any preferential treatment consequent to his temporary promotion.

5. The crux of the argument of the learned Government Advocate for the respondents is that the petitioner cannot claim advantage of her temporary promotion to the post of Tahsildar on 29.06.2009, because her regular promotion was only on 30.10.2009. As per Rule 39 (a)(i) of former Tamil Nadu State and Subordinate Service Rules, now Section 47 (1) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, no preferential treatment should be given to persons appointed on temporary basis. The service rendered by the petitioner on temporary promotion is not eligible for giving any preferential treatment to the petitioner. In fact Rule 39 (e) of Tamil Nadu State and Subordinate Rules would read as follows:

“(3) A person promoted under Sub-rule (a) (b) or (d) shall not be regard as a probationer in the higher category or be entitled by reason only of such promotion to any preferential claim to future promotion to such higher category. The services of a person promoted under sub-rule (a) (b) or (d) shall be liable to be terminated by the appointing authority at any time without notice and without any reason being assigned.”



6. In the petitioner's promotion order a specific condition has been imposed stating that the adhoc promotees shall not claim any preference in the matter of promotion. In fact, in Rule 2C of Special Rules for Tamil Nadu Civil Service it has also been stated that the Board of Revenue (Land Revenue) shall prepare a combined seniority list of persons eligible to the post of Deputy Collectors. Despite the petitioner had agreed for temporary promotion by knowing the stipulations that she cannot claim any preferential treatment in the matter of regular promotion, she has filed this writ petition on the construction that the temporary promotion should be considered as permanent promotion and that she should be given with the benefit of senior promotee.

7. The petitioner has claimed seniority to the temporary post unmindful of the fact that the regular promotees have been promoted. Even according to Section 5 (2C) of the Tamil Nadu Civil Service, only the regular services of the Tahsildar will be taken into consideration for the purpose of inclusion in the promotion panel to the post of Deputy Collectors. For the sake of clarity the above rule is extracted hereunder:

“ 5. ... (2C). The Board of Revenue (Land Revenue) shall prepare a combined seniority list of persons eligible for appointment as Deputy Collectors by recruitment by transfer. The inter-se-seniority of Tahsildars in various district, Sections Officers of the Secretariat and Superintendents of City Officers specified in Rule 2(b) shall be fixed in the combined seniority list so prepared by the Board of Revenue (Land



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Revenue) with reference to the date on which they continued to act without any break for a period of three months as Tahsildar, after commencement of their regular service as Tahsildars.”

8. Rule 39 (a)(i) of formerly Tamil Nadu State and Subordinate Service Rules, now Section 47 (1) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, would also impose the condition that no preferential treatment would be given on the basis of temporary promotion. The petitioner cannot claim that she is eligible to be included in the panel of the year 2012 to 2013 without acquiring the essential qualification in the post of Tahsildar. The petitioner cannot claim that the persons for whom regular promotion have been given prior to 30.10.2009 were juniors to her.

9. As the petitioner has filed this writ petition on a wrong notion by not understanding the impact of temporary promotion, she is not entitled to the relief as prayed for.

10. In view of the above stated reasons, this Writ Petition is dismissed.

No costs.

03-04-2025

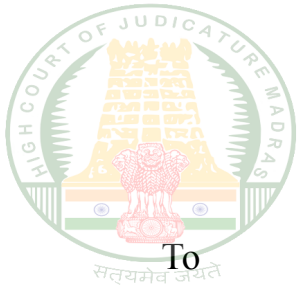
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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The Government of Tamil
Nadu, Revenue and Disaster
Management Department service wing,
ser-I Section, Fort St. George, Chennai
600 009. Chennai

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R.N.MANJULA J.

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