BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD).No.408 of 2019
and
W.M.P.(MD).Nos.344 and 345 of 2019

P.Thirumagal .. Petitioner

Vs.

1.The Commissioner of Revenue Administration,
Office of the Commissioner of Revenue Administration,
Chepauk,
Chennai – 600 009.

2.The District Collector,
Office of the District Collector,
Trichy District.

3.The District Revenue Officer,
Office of the District Revenue Officer,
Trichy. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings issued by the 2nd respondent in Na.Ka.No.A2/21711/2018 dated 06.12.2018 and quash the same and consequently direct the respondents to include the petitioner's name in the panel in the appropriate place at Serial No.31 in the proceedings of the 2nd respondent vide proceedings in

Rc.A2/10949/2018 dated 14.09.2018 in respect of the Trichy District Revenue Unit and to appoint the petitioner as Deputy Tahsildar.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

This Writ Petition is filed challenging the impugned proceedings issued by the second respondent in Na.Ka.No.A2/21711/2018 dated 06.12.2018 and seeking for inclusion of the petitioner's name in the promotional panel and consequently, to promote the petitioner in place of the Deputy Tahsildar in Trichy District Revenue Unit.

2. The petitioner is currently working as a Senior Revenue Inspector. She was appointed as a Revenue Assistant in Group-II post on 08.03.2012 in Pudukkottai District Revenue Unit. Subsequently, she was transferred to Revenue Unit of Trichy District. She was successfully declared as probationer on 09.03.2014 and her services were regularized. She had completed five years of service in the post of Revenue Assistant as on 09.03.2017. On 19.05.2015, the seniority list of Revenue Assistants for the year 2013 was also published.

Thereafter, on 24.07.2015, the seniority list of Revenue Assistants for the year 2014 was published and the petitioner was placed in Serial No.23.

3. In the year 2017, she was served with a charge memo under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules during the crucial period of preparation of panel for the post of Deputy Tahsildar. Subsequently, an explanation was given by the petitioner denying the charges and charges were also dropped as per the proceedings of the third respondent dated 29.05.2018. Thereafter, the second respondent passed an order of re-fixation of seniority for the post of Deputy Tahsildar for the years 2015, 2016 and 2017 respectively, by proceedings dated 14.09.2018. It is contended that this fixation of seniority is not proper. Due to the improper fixation of seniority in the year 2013, the petitioner's name was not included in the panel of promotion of 2017-2018. According to the petitioner, she is entitled for inclusion of her name and prays to include her name in the promotion panel to the post of Deputy Tahsildar. Therefore, she submitted a representation to include her name and the same was not accepted by the authorities and consequently, the Writ of Certiorarified Mandamus has been filed.

4. The second respondent filed a counter affidavit and submitted that the petitioner joined as a Revenue Assistant on 10.03.2012 in Pudukkottai District and subsequently, she was transferred to Tiruchirappalli District Revenue Unit with a specific condition that she is not entitled for seniority as arrayed in Pudukkottai District. The seniority list of Revenue Assistants for Tiruchirappalli District Unit for the year 2014 was finalized as per proceedings of the third respondent dated 24.07.2015, in which, the petitioner was arrayed in Serial No.23. Subsequently, this list was again revised vide proceedings dated 08.12.2017 and the petitioner was arrayed in Serial No.25. Based on the seniority list prepared in the year 2017, 47 vacancies were approved by following the rule of reservation of SC/ST candidates.

5. It is submitted that the petitioner has not completed the requisite service period during the crucial date of preparation of promotional panel and her total service period was given as 4 years, 8 months and 29 days as on 09.03.2017. She had availed medical leave in the year 2017 and a charge memo was also issued. Though disciplinary proceedings were disposed by issuing severe warning as against the petitioner, the leave period from 14.02.2017 to 15.03.2017 and 16.03.2017 to 12.04.2017 were treated as earned leave, the leave from 13.04.2017 to 12.05.2017 treated as extraordinary leave on loss of

pay, the leave from 13.05.2017 to 12.06.2017 as earned leave and the leave from 13.06.2017 to 28.12.2017 as extraordinary leave on loss of pay. Thereby, she has not completed the requisite period of service. Apart from that, the vacancies filled from the promotional post is only for the persons, who are included in the seniority list of Senior Revenue Inspector of 2013 and the petitioner's name was included in the seniority list of Senior Revenue Inspector only in the year 2014, which was not taken into account, since there was no proposal to promote the panel of the year 2014. This was also properly intimated to the petitioner by way of the impugned order and thereby, there is no ground to include the name of the petitioner.

6. Heard the learned counsels on either side and perused the materials available on record.

7. Admittedly, the petitioner's name was included in the promotional panel of the year 2014 and she was not placed in the promotional panel of the year 2013. The impugned proceedings only shows that the authorities have decided to fill the 39 vacancies for the post of Deputy Tahsildar and after adopting the rule of reservation, from the panel members of 2013. The persons, who were eligible upto Serial No.43, were accommodated and others were not

promoted. The petitioner, who stood in the 25th place of the seniority list of subsequent year, i.e., 2014, had not come within the zone of consideration. Since the petitioner had not come within the zone of consideration, she is not entitled to claim promotion as a matter of right.

8. It is settled law that consideration of employee for promotion is a fundamental right, but employee cannot seek promotion as a matter of right. In this case, it is admitted by the petitioner that she had availed medical leave and those leave period were subsequently adjusted with the earned leave and extraordinary leave on loss of pay. Apart from that, it is a crucial fact that the petitioner was placed in the seniority list of the year 2014 and she was not placed in the seniority list of the year 2013. The authorities have decided to accommodate the persons from the panel of the year 2013 and therefore, when there is no occasion to consider the persons, who are placed in the panel of 2014, she cannot seek any relief. Therefore, this Court finds that the reasons stated by the respondents are acceptable.

9. Though this Writ Petition was filed in the year 2019, it seems that the persons, who are not promoted based on the next year panel, are still awaiting for that promotion. Hence, this Court is of the view that if vacancy arises, the

Government shall speed up the process of promoting the persons like the petitioner based on their seniority so as to improve the administration of the Revenue Unit. It is also made clear that in case the Government has decided to promote the persons, the petitioner may also be considered as per the seniority list.

10. With the above observations, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

24.06.2025

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

To
1.The Commissioner of Revenue Administration,
Office of the Commissioner of Revenue Administration,
Chepauk, Chennai – 600 009.

2.The District Collector,
Office of the District Collector, Trichy District.

3.The District Revenue Officer,
Office of the District Revenue Officer,
Trichy.

K.RAJASEKAR,J.

Lm

W.P.(MD).No.408 of 2019

24.06.2025