



TAMIL NADU GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

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Aavani 11, Jaya, Thiruvalluvar Aandu – 2045

Part I

Notifications or Orders regarding first appointments, investiture of magisterial powers, etc., issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT

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I. NOTICE REGARDING GAZETTE EXTRAORDINARY ISSUES PUBLISHED DURING THE WEEK.

The following Notifications were published in Extraordinary issues of the *Tamil Nadu Government Gazette* during the week ending August 16, 2014:—

<i>Issue Number.</i>	<i>Part and Section.</i>	<i>Date of Issue.</i>	<i>Issued by.</i>	<i>Subject.</i>
(1)	(2)	(3)	(4)	(5)
155	Part II—Section 1	10th August 2014	பொதுப்பணித் துறை	2014–2015 ஆம் ஆண்டு காவேரி டெல்டா பாசனத்திற்காக மேட்டுர் அணையிலிருந்து 10 ஆகஸ்ட் 2014 முதல் தண்ணீர் திறந்து விடுதல் பற்றிய அறிவிக்கை.
156	Part IV—Section 1	11th August 2014	Legislative Assembly of the State of Tamil Nadu	Tamil Nadu Prohibition (Amendment) Act, 2014 L.A. Bill No. 18 of 2014 etc.
157	Do.	12th August 2014	Do.	Tamil Nadu Appropriation (No.2) Act, 2014 L.A. Bill No. 24 of 2014, etc.
158	Part VI—Section 2	14th August 2014	Tamil Nadu State Election Commission, Chennai-106.	[Elections-Ordinary Elections to Rural Local Bodies-October 2011 - Dindigul District - Contested Candidates-Failed to Lodge Accounts of Election expenses-Show Cause Notice Issued-Failed to submit Explanation and Accounts-Disqualification Ordered-Further report received-Disqualification Reconsidered for Sl. No. 546 in S.O. No. 44/2013/TNSECPE-2, dated 17-10-2013 Thiru M. Vengadesan, son of Masanam Deletion of Sl. No. 546. Ordered].
159	Part II—Section 2	Do.	Energy Department	Appointment of Chief Electrical Inspector and Electrical Inspectors to Decentralization of Powers and Functions under the said Act.

II. NOTICE REGARDING PARTS AND SECTIONS OF THE GAZETTE NOT PUBLISHED DURING THE WEEK.

The following Parts and Sections of the Gazette are not published in this week:—

Part II—Section 1

Part III—Sections 1(a),1(b) and 2

Part IV—Sections 1, 2, 3 and 4

Part V—Sections 1, 2, 3 and 4

Part VI—Section 3(b)

NOTIFICATIONS BY GOVERNMENT

REVENUE DEPARTMENT

Secretariat, 27th August 2014

No.I/REV/28/2014.

[Public Services - Thiru S. Sivashanmugaraja, formerly DRO and now appointed to IAS and two others - Fixation of Seniority in the Cadre of Deputy Collector along with service benefits and monetary benefits as per the directions of the Tamil Nadu Administrative Tribunal and based on the orders of the Supreme Court of India - Orders - Issued.]

The following Government Order is Published:—

[G.O. (2D) No. 627, Revenue (Ser-1), 6th August 2014, Aadi 21, Jaya, Thiruvalluvar Aandu-2045.]

Read:

1. G.O.(2D) No. 251, Revenue (Ser.I) Department, dated 10-9-1999.
2. From Thiru S. Sivashanmugaraja, I.A.S., Petition dated 13-5-2013.
3. From the Additional Chief Secretary/Commissioner of Revenue Administration Letter No.Ser I.(1)/35273/2013, dated 22nd August 2013.
4. From Thiru S. Sivashanmugaraja, I.A.S., Petition dated 16-6-2014 and 26-6-2014.
5. From Thiru P. Senthilkumar, I.A.S., Petition dated 17-6-2014.

ORDER: No. 627, Revenue (Ser-1), 6th August 2014.

In the petition second read above, Thiru S. Sivashanmugaraja, I.A.S., has requested that his seniority should be fixed below the name of Thiru T. Abraham who was appointed in the year 1992 and who was the last person in the 11 Deputy Collectors appointed by the Government by Special Direct Recruitment exclusively for SC/ST for the year 1991-1992.

2. In the letter third read above, the Additional Chief Secretary/Commissioner of Revenue Administration has stated that, the representation of the individual is time bared. His inter-se-seniority was fixed on 10-09-1999 *vide* G.O.(2D)No.251, Revenue (Ser.I) Department, dated 10-09-1999. He should have represented preferred an appeal on or before 10-9-2002. But the representation was made only on 13-05-2013, nearly after 10 years. However, since the authority to fix inter-se-seniority is the Government, the Additional Chief Secretary/Commissioner of Revenue Administration has requested the Government to pass suitable orders on the request of Thiru S. Sivashanmugaraja, I.A.S., to fix his seniority below the name of Thiru T. Abraham who was appointed in the year 1992 and who was the last person in the 11 Deputy Collectors appointed by the Government by Special Direct Recruitment exclusively for SC/ST for the year 1991-1992.

3. In the petition fourth read above, Thiru S. Sivashanmugaraja, I.A.S., has stated as follows:—

“(a). Thiru P. Senthilkumar (who filed O.A. No.3400/1993 on behalf of the reserve list candidates, is also affected along with me in this wrong inter-se-seniority fixation in the Deputy Collector Grade) had already made representation, dated 08-01-1999 on behalf of them to the Government in the Revenue Department in which, among other things he had stated as follows:—

Pursuant to the said Special Direct Recruitment, 11 persons mentioned below were appointed as a Deputy Collector and 3 persons mentioned below were kept in the reserve list:—

Sl.No. (1)	Name. (2)	Date of Joining. (3)
1.	Selvi V. Shobana	14-09-1992
2.	Thiru C. Munianathan	30-09-1992
3.	Thiru M. Vijayakumar	07-08-1992
4.	Selvi A. Suganthi	18-09-1992
5.	Selvi S. Madhumathi	21-09-1992
6.	Thiru K. Maharabushanam	21-09-1992
7.	Thiru T.N. Hariharan	23-09-1992
8.	Thiru P. Ilango Rajan	24-09-1992
9.	Thiru M. Vallalar	23-09-1992
10.	Thiru C. Kamaraj	29-09-1992
11.	Thiru T. Abraham	28-09-1992

The three Persons kept in the Reserve List as per seniority are as below:—

1. Thiru K.A. Annamalai
2. Thiru P. Senthilkumar
3. Thiru S. Sivashanmugaraja

Since there were more number of vacancies than the notified ELEVEN, Thiru P. Senthilkumar, filed and O.A.No.3400/1993 before the Tamil Nadu Administrative Tribunal for the relief of appointment against the available vacancy. The Tamil Nadu Administrative Tribunal had allowed his application and directed the Government to appoint him and two others (*Viz.* Thiru K.A. Annamalai and Thiru S. Sivashanmugaraja), kept in the reserve list against vacancies in the year 1989, 1990 and 1991. The Tamil Nadu Administrative Tribunal has also observed that had all the vacancies that existed were notified, the persons kept in the reserve list would have come up in the main list. The Supreme Court dismissed the SLP preferred by the respondents i.e. Government/Tamil Nadu Public Service Commission and observed that they do not want to interfere with the orders of the Tamil Nadu Administrative Tribunal. Thereafter, they were given appointment as Deputy Collectors

and were posted as trainees to Virudhunagar, Thanjavur and Coimbatore respectively and joined on the dates as indicated below:—

1. Thiru K.A. Annamalai 29-11-1996 FN.
2. Thiru P. Senthilkumar 29-11-1996 FN.
3. Thiru S. Sivashanmugaraja 22-11-1996 FN.

Had all the vacancy been notified all the above said, they three would have joined as Deputy Collectors along with other 11 Deputy Collector in September 1992 itself. However they had to join as Deputy Collector on the above said dates belatedly in view of the Supreme Court order and Tamil Nadu Administrative Tribunal directions. Thus it is clear that the delay in joining the post is not due to their fault.

(b). Thiru P. Senthilkumar, in his representation dated 08-01-1999, had also pointed out that, as far as direct recruits are concerned, the year of recruitment is the basis for determining the seniority and persons selected in a particular recruitment SHOULD BE PLACED ENBLOC IN THE SENIORITY LIST, AND REQUESTED TO FIX THEIR SENIORITY (*Viz.* Thiru K.A. Annamalai, Thiru P. Senthilkumar and Thiru S. Sivashanmugaraja) at Serial Nos.12, 13 and 14 immediately below the candidates selected in the Special Recruitment Drive of 1991-1992. The representation dated 08-01-1999 of Thiru. P. Senthilkumar is still pending with the Government in Revenue Department and no reply has been given to him.

(c). The Commissioner of Revenue Administration, while offering his remarks on his representation, has admitted that he and two others (*viz.* Thiru K.A. Annamalai, Thiru P. Senthilkumar and Thiru S. Sivashanmugaraja) were appointed as *per orders of the Supreme Court and Tamil Nadu Administrative Tribunal from the Reserve List of 1991 Special Direct Recruitment for SC/ST.*

Therefore, the vacancies relate to the year 1991-1992 as was notified by the Tamil Nadu Public Service Commission based on the vacancies reported by the Government to the Tamil Nadu Public Service Commission. Had the vacancies been correctly reported by the Government to the Tamil Nadu Public Service Commission, their names also would have been found in the main list (instead of in the Reserve list) of the Tamil Nadu Public Service Commission and they would have also joined as Deputy Collectors along with 11 other Deputy Collectors in September 1992 itself.

(d). In the orders of the Tribunal in O.A.No.3400/93 dated 29-09-1995, it was observed by the Tribunal that had all the vacancies that existed were notified the persons kept in the Reserve list would have come up in the main list. The Supreme Court also dismissed the SLP preferred by the Government/Tamil Nadu Public Service Commission and observed that they do not want to interfere with the order of Tamil Nadu Administrative Tribunal.

(e). Their seniority should be fixed along with 11 candidates *Viz.* V. Shobana and others and their name have to be fixed below Thiru T. Abraham as per Rule 35(a) of Tamil Nadu State and Subordinate Service Rule which says the seniority of a person in a service, class or category or grade shall unless he has been reduced to a lower rank as punishment be determined by the rank obtained by him in the list of approved candidates drawn up by the Tamil Nadu Public Service Commission or other Appointing Authority, as the case may be, subject to the rule of reservation where in applies.

(i) Fixation of seniority with reference to Rule 35(aa) of Tamil Nadu State and Subordinate Service Rule done in ordinary circumstances will not hold good in their case in view of the orders of Supreme Court and Tamil Nadu Administrative Tribunal direction.

(ii) Even if it is decided to fix the seniority as per 35(aa) of Tamil Nadu State and Subordinate Service Rules, he has pointed out that the rule has to be read along with the proviso to the said rule which is extracted below.—

“Provided that where the junior appointed by a particular method or recruitment happens to be appointed to a service, class, category or grade, earlier than the senior appointed by the same method of recruitment, the senior shall be deemed to have been appointed to the service, class, category or grade on the same day on which the junior was so appointed”.

(f). In view of the above and as the delay in joining as Deputy Collector was not their fault, they should not be penalized and justice rendered. Therefore, their seniority may kindly be fixed along with the 11 candidates i.e. V. Shobana and other i.e. below Thiru T. Abraham, based on the orders of Supreme Court and direction of Tamil Nadu Administrative Tribunal.

(g). Regarding the remarks of Commissioner of Revenue Administration that, his representation is time barred and he should have represented/preferred an appeal either before 22-11-1999 or 16-10-2000, he has pointed out that the inter-se-seniority problem is for all Three of them (*Viz.* Thiru K.A. Annamalai, Thiru P Senthilkumar and Thiru S. Sivashanmugaraja). Thiru P. Senthilkumar has already preferred an appeal on behalf of all three persons on 08-01-1999 itself for fixation of inter-se-seniority at the appropriate place and as on date no reply has been given by the Government in Revenue Department to him or to any of them and therefore the issue is still pending with the Government in Revenue Department and his representation has to be construed as one in continuation of the earlier representation made by Thiru P. Senthilkumar pending with the Government and therefore the rule of limitation will not apply to their case”.

4. Thiru S. Sivashanmugaraja and Thiru P. Senthilkumar, in their further representations, have made following averments against the decision of fixing their seniority only from the date of joining in service:-

(i). It is pertinent to mention that the Hon'ble Tamil Nadu Administrative Tribunal and the Hon'ble Supreme Court has ordered that if the correct vacancy position had been sent by the Government to the Service Commission then the applicant would very well have come within the select list itself. As such the candidate in the Reserve list could have come in the main list itself if the vacancy had been indicated correctly. This fact has some force as it has bearing in fixing out inter-se-seniority as well as our date of joining. We were forced not to join the service even though we were selected by the Tamil Nadu Public Service Commission through the special direct recruitment for SC/ST for the year 1991 by way of prolonged litigations by the Government for many years first before the Tamil Nadu Administrative Tribunal and then by way of SLP before the Supreme Court and then by way of review petition over the orders of SLP before the Supreme Court and then again by way of non-maintainable review petition before the Tamil Nadu Administrative Tribunal and

even after all the above attempts have failed, the Government have denied appointment to us which forced us to file a contempt petition before the Tamil Nadu Administrative Tribunal, so as to get the orders of the Tamil Nadu Administrative Tribunal as upheld by Supreme Court finally implemented.

(ii). The situation narrated above will explain that the delay in joining service as Deputy Collectors is not due to our fault but because of the prolonged litigation by the Government. Besides, we were denied our legitimate rights for appointment as Deputy Collector by way of not informing the recruiting agencies the correct number of vacancies. Had it been done correctly we would have come in main list itself and joined the service as Deputy Collectors in September 1992 itself along with other 11 Deputy Collectors who were in main list of the same recruitment. Even after all the hardships our appropriate seniority has not been given till date to alleviate our grievance.

(iii). It is pertinent to bring out here that eventhough it has been said in the G.O.(Ms)No.796, Revenue (Ser.I) Department, dated 18-08-1995 that the inter-se-seniority of the eleven Deputy Collectors has been fixed under rule 35(aa) of the Tamil Nadu State and Subordinate Service Rules, the plain reading of the seniority list approved in the G.O.(Ms)No.796, Revenue Department, Dated 18-08-1995 reveal that the provisions under Rule 35(a) read with rule 2A(ii) has been followed in their case. If the criteria of date of appointment as said under Rule 35(aa) had been followed, the eleven direct recruits who have been appointed to service as Deputy Collectors in the year 1992 would have been placed on top of the inter-se-seniority list approved in the said Government order whereas it has been done otherwise that the direct recruits of the year 1991 have been placed at the bottom of the inter-se-seniority list of the year 1991 below the last person of the transferee Deputy Collectors (whose panel for appointment as Deputy Collectors has been approved in the year 1995) by following Rule 2A(ii) of the special rules of Deputy Collectors. From the above it is understood that by keeping the seniority of the eleven directly recruited Deputy Collectors for the year 1991 intact as approved by Tamil Nadu Public Service Commission without any modification or split, the Government have followed the provisions under rule 35(a) of Tamil Nadu State and Subordinate Service Rules without any violation. By placing the above eleven person below the last transferee Deputy Collector approved for the year 1991 during 1995, the Government have followed the provisions available under Rule 2A(ii) of special rule for Deputy Collectors. The direct recruits of the year 1991 have joined/appointed to the service as Deputy Collectors in September 1992 whereas the transferee Deputy Collectors have been appointed to service in the year 1995 only.

(iv). In view of the above said circumstance and provisions explained above. I request to fix our (*viz.* Thiru K.A. Annamalai, Thiru P. Senthilkumar and Thiru S. Sivashanmugaraja) seniority, appointed from the reserve list recruited through the Special Direct Recruitment exclusively for SC/ST in the year 1991 as mentioned below without any modification in the select list as drawn by Tamil Nadu Public Service Commission:—

<i>Sl.No.</i>	<i>Name</i>
(1)	(2)
1.	Selvi V. Shobana
2.	Thiru C. Munianathan
3.	Thiru M. Vijayakumar
4.	Selvi A. Suganthi
5.	Selvi S. Madhumathi
6.	Thiru K. Maharabushanam
7.	Thiru T.N. Hariharan
8.	Thiru P. Ilango Rajan
9.	Thiru M. Vallalar
10.	Thiru C. Kamaraj
11.	Thiru T. Abraham
12.	Thiru K.A. Annamalai
13.	Thiru P. Senthilkumar
14.	Thiru S. Sivashanmugaraja

and our inter-se-seniority be fixed at the appropriate place i.e. below Thiru T. Abraham (whose seniority number is 114) in G.O.(Ms)No.796, Revenue Department, dated 18-8-1995 as seniority number 114a for Thiru K.A. Annamalai, 114b for Thiru P. Senthilkumar and 114c for Thiru S. Sivashanmugaraja and 30-9-1992, the date of joining of the person (Thiru C. Munianathan) who lastly joined among the eleven persons as Deputy Collector be taken as our date of joining as we were appointed from the reserve list of the year 1991 special direct recruitment for SC/ST in view of the extraordinary circumstances explained at paragraph 4 (i) above for all purposes.

5. In the light of the facts and circumstances narrated above, the officers concerned have requested that justice be rendered to them by fixing their seniority in the cadre of Deputy Collector below Thiru T. Abraham and necessary orders be issued at the earliest.

6. The Government, after careful examination, have taken cognisance of the fact that Thiru P. Senthilkumar had made an appeal on behalf of the 3 individual officers on 8-1-1999 itself within 3 years of the date of appointment. Hence the appeal is within the time limit as defined in General Rule 35(f) of Tamil Nadu State and Subordinate Services. So, the Government have decided to accept the request of Thiru S. Sivashanmugaraja, and Thiru P. Senthilkumar as per the Special Rules to the Tamil Nadu Civil Services Rule 2A (ii) for Deputy Collector read with General Rules 35(a) of Tamil Nadu State and Sub-ordinate Services and issue orders fixing the seniority of Tvl. K.A. Annamalai, P. Senthilkumar and S. Sivashanmugaraja, appointed from the reserve list recruited through the Special Direct Recruitment exclusively for SC/ST in the year 1991 as mentioned below without any modification in the select list as drawn by Tamil Nadu Public Service Commission:—

<i>Sl.No.</i>	<i>Name</i>	
(1)	(2)	Department, dated 18-8-1995 as seniority number 114a for Thiru K.A. Annamalai, 114b for Thiru P. Senthilkumar and 114c for Thiru S. Sivashanmugaraja, in supercession of the orders issued in the G.O. first read above, in which the inter-se-seniority of the above individuals have been fixed, and 30-9-1992, the date of joining of the person (Thiru C. Munianathan) who lastly joined among the eleven persons as Deputy Collector be taken as their date of joining as they were appointed from the reserve list of the year 1991 Special Direct Recruitment for SC/ST through which the three officers in reserve list have also been recruited.
1.	Selvi V. Shobana	
2.	Thiru C. Munianathan	
3.	Thiru M. Vijayakumar	
4.	Selvi A. Suganthi	
5.	Selvi S. Madhumathi	
6.	Thiru K. Maharabushanam	
7.	Thiru T.N. Hariharan	
8.	Thiru P. Ilango Rajan	7. Consequent on the above orders, the above individuals are eligible for service and monetary benefits as per the rules in force.
9.	Thiru M. Vallalar	
10.	Thiru C. Kamaraj	8. This order issues with the concurrence of the Personnel and Administrative Reforms Department <i>vide</i> its U.O.No.25816/J/2014, dated 17-07-2014.
11.	Thiru T. Abraham	
12.	Thiru K.A. Annamalai	
13.	Thiru P. Senthilkumar	(By order of the Governor.)
14.	Thiru S. Sivashanmugaraja	

The Government also order fixing the inter-se-seniority of Tvl. K.A. Annamalai, P. Senthilkumar and S. Sivashanmugaraja at the appropriate place i.e. below Thiru T. Abraham (whose seniority number is 114) in G.O.(Ms) No.796, Revenue

GAGANDEEP SINGH BEDI,
Secretary to Government.