

WA No. 1693 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**WA No. 1693 of 2026 AND
CMP NO. 15510 OF 2026**

1. State of Tamil Nadu
Rep by Secretary to Government,
Tamil nadu Tourism Culture and Religious
Endowment Department, Fort St George,
Chennai 9.
2. The Commissioner
Tamil Nadu Hindu Religious Charitable
Endowment Department,
Nungambakkam, Chennai 600 034

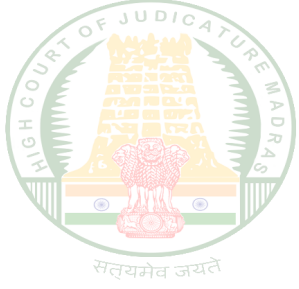
..Appellants

Vs

R. Rohini
W/o Kalyanaraman,
Retd Superintendent
Old No.39/2 New No.50,
Nadu Street, Mylapore,
Chennai 600 004.

..Respondent(s)

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 24.01.2025 made in Writ Petition No.14422 of 2016.



WA No. 1693 of 2026

For Appellant(s):

Mr.M.Veerabathran Prasanth
Special Government Pleader (HR & CE)

For Respondent(s):

Ms.P.Jayalakshmi,
Caveator for Sole Respondent

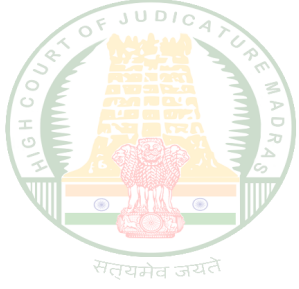
WEB COPY

Judgment**(Judgment of the Court was delivered by S.M.Subramaniam J.)**

Under assail is the writ order dated 24.01.2025 passed in W.P.No.14422 of 2016. Heard the parties at length. With the consent of learned counsel for both sides, final orders are passed in this writ appeal.

2. The governing principles for promotion in government services are :

- (a) Promotion *per se* cannot be claimed as a right by a government employee.
- (b) Consideration for promotion is a fundamental right of any employee.
- (c) Filling up of the promotional post is the administrative prerogative of the Government. If any administrative decision is taken to fill up the post by way of promotion, then the authority competent is bound to consider the names of the eligible employees who are waiting for promotion.



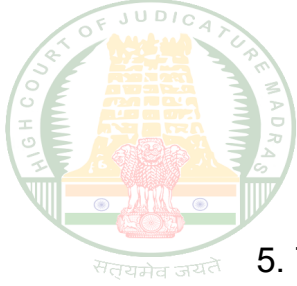
WEB COPY

(d) Promotion Rules are to be scrupulously followed. Mere inclusion of the name of the employee in the panel would not confer any right to seek promotion.

(e) Panel of eligible persons are prepared for consideration and the filling up of the posts is the powers vest on the Government. Mere inclusion of the name in the panel would not confer any right, since it is the procedural aspect.

3. In the context of the above legal principles, let us now examine the facts of the present case. The respondent / writ petitioner was appointed in the HR and CE Department as Junior Assistant in the year 1985. She was promoted to the post of Assistant in the year 1992, Inspector in the year 1998 and Superintendent on 01.04.2010. She had retired from service on 31.05.2015 on attaining the age of superannuation.

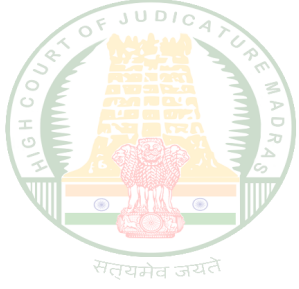
4. The crucial date for preparation of panel of eligible officials in the HR and CE Department is 1st October every year. Panel for the year 2014-15 is the subject matter of the present appeal.



5. The rules relating to promotion to the post of Assistant Commissioner in HR and CE Department is extracted hereunder:

3. Assistant Commissioners including Additional Personal Assistant to the Commissioner (and verification officers)***	(I) By recruitment by transfer from among Superintendents and Managers in the Hindu Religious and Charitable Endowments Administration Department who have acted as Inspectors for a period of not less than one year and by recruitment by transfer from among Grade I Executive Officers of Religious Institutions.	** (i) Must possess (a) the minimum general educational qualification; (b) a pass in the Civil and Criminal Judicial Test (Parts I and III) for the members of the Judicial Department and (ii) Must not have completed or will not complete 57 years of age on the first day of July of the year in which the selection for appointment is made.
--	--	--

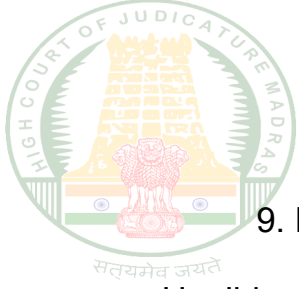
6. The panel for the year 2014-15 was prepared belatedly and the respondent was due to retire within a period of one year as she crossed 57 years as on the date of preparation of panel. Hence her name was not considered for inclusion in the panel. Thus, the respondent instituted writ proceedings. The writ court allowed the claim of the respondent. Consequently, the State preferred the present intra court appeal under Clause XV of the Letters Patent.



WEB COPY

7. Learned Government Counsel would contend that the respondent crossed the age of 57 years as on the date of preparation of panel. Therefore her name was not considered for inclusion. She retired from service on 31.05.2015. Thus, the decision of the Government for not including her name in the panel is in accordance with Rule 3 of the Tamil Nadu HR and CE Department Service Rules. The writ court has interpreted the selection and appointment in the context of Rule 3, which resulted in granting of relief, which is incorrect.

8. Learned counsel for the respondent would oppose by stating that there was an enormous delay in finalisation and publication of panel. Administrative delay would not affect the promotional right of the respondent, since she was fully qualified to get promotion to the post of Assistant Commissioner. She is not facing any departmental proceedings. The crucial date for preparation of panel is 1st October. Mere administrative delay in publishing the panel would not deprive an employee from getting promotion. The delay had been done intentionally by the Government, Therefore the writ Court granted the relief based on the government order issued in G.O.No.291 dated 26.03.1986.



9. Learned counsel for the respondent would rely on the judgment of the Hon'ble Supreme Court of India in **Andhra Pradesh Public Service Commission, Hyderabad and Another -vs- B.Sarat Chandra and Others (1990) 2 SCC 669.**

9. A perusal of the said judgment would show that the facts in the said case are distinguishable. The case before the Supreme Court was relating to direct recruitment and the case on hand is for promotion to the post of Assistant Commissioner. Thus, the said judgment is of no avail to the respondent.

10. Secondly, the respondent relied on the case of one Mr.L.Thulasingham who retired from service on 30.06.2009, but promotion was given to him on 29.06.2009. In the said case also, he was promoted one day prior to his retirement. Thus the said case cannot be compared with the case of the respondent.

11. In the present case, the crucial date for consideration of names of the eligible officials for promotion to the post of Assistant Commissioner, HR and CE Department is 1st October of every year. The panel was prepared for



the year 2014-15. As on the crucial date, the respondent was having more than one year of service and she retired on 31.05.2015. The process for preparation of panel was going on and admittedly the approved panel for the year 2014-15 for promotion to the post of Assistant Commissioner was published by the Government in G.O.Ms.No.151, Tourism, Culture and Endowments Department dated 30.06.2015. The name of the respondent was not considered in view of the fact that she retired from service even before the publication of the panel by the Government. On 30.06.2015, as on the date of finalisation of the panel, she was not having one year of service as required under Rule 3 as stated above. Since the respondent retired even prior to the publication of the approved panel by the Government in G.O.Ms.No.151 dated 30.06.2015, she was not considered for promotion.

12. Applying the governing legal principles as considered in the afore mentioned paragraphs, mere preparation of panel and inclusion of the name of an officer in the panel or publication of panel would not confer any right to claim promotion by the government servant. Those are all the processes and procedures followed for grant of promotion and such procedures or administrative delay in completion of procedures would not confer any right to claim promotion. Thus, no employee can claim that there is a delay in publishing the panel, which resulted in retirement of an employee and



WA No. 1693 of 2026

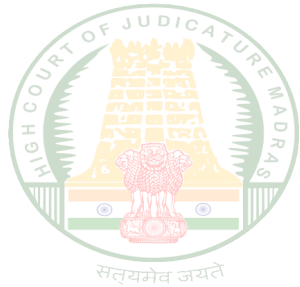
therefore he / she be promoted is a stale claim, which is not entertainable.

Only on issuance of an order of promotion, the right accrues to an employee and at the procedural stage no employee can claim right for grant of promotion. That apart, filling up of the post is the prerogative of the Government and the employee cannot seek any direction from the Court that a particular post is to be filled up or he / she is to be promoted to a particular post, since the post is vacant. Such claims are stale and untenable in the eye of law.

13. For the above reasons, the writ order dated 24.01.2025 made in Writ Petition No.14422 of 2016 is set aside and the writ appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
06-07-2026

Index: Yes
Speaking order
Neutral Citation: Yes
KST



WEB COPY

WA No. 1693 of 2026

**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

KST

**WA No. 1693 of 2026
AND
CMP NO. 15510 OF 2026**

06-07-2026