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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**WA No. 49 of 2024 AND
CMP NO. 298 OF 2024**

1. The Director
Rural Development and Panchayat Raj
Department, 4th Floor, panagal Park,
Saidapet, Chennai 600 015.
2. The District Collector
O/o.The District Collector, Vellore

..Appellants

Vs

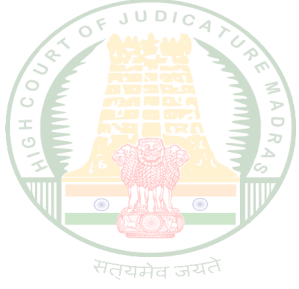
1. S.Umamaheswaran
S/o.Santhanarajan,
No.222, Pudupettai Road, Street, Nedumbuli
Village, panapakkam Post, Vellore District.
2. Block Developement Officer
Village panchayat. Panchayat Union, Nemili,
Vellore

..Respondent(s)

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 20.12.2022 made in WP.No.9904 of 2021.

For Appellant(s):
For Respondent(s):

Dr.R.Gouri, Government Counsel
Mr.S.Kumara Devan for R1,
No Appearance for R2



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

The present writ appeal has been filed challenging the writ order dated 20.12.2022 passed in W.P.No.9904 of 2021.

2. The respondent / writ petitioner was appointed as Panchayat Assistant on 01.09.1979. He was appointed as Junior Assistant with effect from 08.01.1999 by way of transfer of service under 10% quota allotted to Panchayat Assistants. He retired from service on 30.04.2016. The respondent submitted a representation seeking relaxation of Rules relying on G.O.Ms.No.1170, Personnel and Administration Department dated 30.10.1984 and grant retrospective promotion to the post of Junior Assistant from the date of his initial representation dated 11.04.2011.

3. Learned counsel for the respondent would submit that the first representation was submitted by the respondent in the year 2011 and further representation was submitted in the year 2015. The representation was rejected by the District Collector vide proceedings dated 01.04.2019 and the said proceeding was challenged by way of a writ petition in the year 2021 on the ground that he appeared in the departmental examinations on more than



five occasions, and he is eligible to avail the benefit of G.O.Ms.No.1170 issued by the department dated 30.10.1984.

4. Learned Government Counsel would submit that the Government Order in G.O.Ms.No.1170 dated 30.10.1984 is not applicable to the respondent. The employee seeking the benefit of the said government order must be below 53 years of age. In the present case, the respondent accepted the appointment to the post of Junior Assistant by way of transfer on 08.01.1999 and served for about 15 years and thereafter submitted a representation in the year 2015, which was rejected in the year 2019. Soon after the representation was submitted in the year 2015, he retired from service on 30.04.2016. Therefore, the said Government Order is inapplicable to the respondent, as he crossed the age limit of 53 years.

5. That apart, appointment by transfer of service by itself is a concession extended to the respondent and therefore retrospective rule relaxation cannot be granted so as to grant retrospective promotion. Relaxation of rule cannot be claimed as an absolute right by the employees. Even the Government while relaxing the Rule, has to exercise the power of discretion discretely in the event of any injustice caused to a class of employees. The power of relaxation of rule vests with the Government to



WA No. 49 of 2024

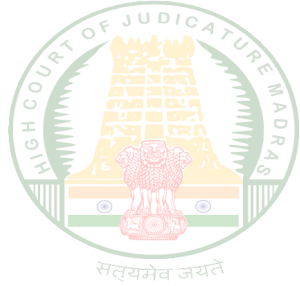
remove inequality and injustice, but not to grant retrospective promotion to the employees by extending concession. Thus, the power of relaxation is to be exercised judiciously and cannot be exercised in a routine manner. Employees cannot seek relaxation of rules as a matter of right. Relaxation of rule is a concession, which is to be granted by the Government only on limited circumstances. In the present case, the respondent seeks retrospective relaxation of Rules for grant of promotion with effect from the date of his representation ie., 14.04.2011, which is impermissible.

6. For all these reasons, the writ order dated 20.12.2022 passed in W.P.No.9904 of 2021 is set aside and the writ appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
27-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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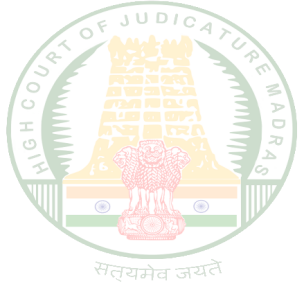


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To

Block Developement Officer
Village panchayat
Panchayat Union,
Nemili,
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**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

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