

N THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 09.08.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.32768 of 2014 &
M.P.No.1 of 2014

Amrit Meril Zarina

.. Petitioner

Vs

1. The Additional Secretary to Government,
Finance (Treasuries & Accounts) Department,
Chennai - 600 009.
2. The Commissioner of Treasuries and Accounts,
Panagal Building,
Saidapet, Chennai - 600 015.
3. The District Treasury Officer,
District Treasury,
Erode - 638 011.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the first respondent vide his proceedings No.11683/KK2/2013/7, dated 09.09.2014 and quash the same and consequently direct the respondents to consider the petitioner for promotion as Accountant with retrospective effect from the year 2007 and include the name of the petitioner in promotion panel of Superintendent / Sub Treasury Officer for the year 2013 - 14 with all attendant benefits.

For Petitioner : Mr.P.Immanuel Prakasam

For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

This Writ Petition has been filed to call for the records relating to the order passed by the first respondent vide his proceedings No.11683/KK2/2013/7, dated 09.09.2014 and quash the same and consequently direct the respondents to consider the petitioner for promotion as Accountant with retrospective effect from the year 2007 and include the name of the petitioner in

promotion panel of Superintendent / Sub Treasury Officer for the year 2013 - 14 with all attendant benefits.

2. The petitioner is working as an accountant in the third respondent's office. The main grievance of the petitioner is that even though the petitioner has passed all the department tests in the year 2005 and she is fully qualified for the post of Accountant in the year 2007 itself, her name was not included in the promotion panel for the year 2007, which has been prepared by the third respondent. Hence, the petitioner made a representation to the third respondent to include her name in the Accountant Promotion Panel for the year 2007. But the same was rejected by the third respondent vide proceedings dated 25.10.2010 and the appeal preferred before the second respondent was also rejected on 05.04.2011. Thereafter, the petitioner sent a representation to the first respondent and the first respondent also rejected the petitioner's request vide proceedings dated 09.09.2014. The respondents have rejected the representations of the petitioner on the ground that there was no junior to the respondent in the year 2007 and the order of the respondents are illegal and arbitrary and are liable to be quashed.

3. The learned Additional Government Pleader filed a detailed counter stating that since no juniors to the petitioner were included in the panel for promotion as Accountants during the year 2007 and 2008, the seniority of the petitioner is not liable to be altered retrospectively and in respect of fixation of seniority, the benefit of retrospection can be given only if a junior of the petitioner has already been included in the panel for the post of Accountant prior to the promotion of the petitioner and hence, this Writ Petition is liable to be dismissed.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

5. The petitioner has lost before all the three forums, wherein her main contention is that she is eligible for promotion in the year 2007. But all the three forums have categorically stated that no junior of the petitioner has ever been promoted in the year 2007. Admittedly, there are 21 accountant posts vacant. The learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is given to the respondents to consider the petitioner for promotion for year 2008.

*6. In such view of the matter, as the petitioner has changed his stand, the petitioner can make a representation to the third respondent, who in turn may consider the same insofar as the claim from the year 2008 and pass appropriate orders within a period of four months from the date of receipt of a copy of this order and accordingly Writ Petition is disposed of. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

Dt.29.7.16

***Corrected as per the order of this Court
dt.15.9.16 made in WP.32768/14**

sd/-

Assistant Registrar

Dt.27.9.16

//True Copy//

Sub Assistant Registrar

To

1. The Additional Secretary to
Government,
Finance (Treasuries & Accounts)
Department,
Chennai - 600 009.

***To be Substituted to
the order already
despatched on 8.9.16.**

2. The Commissioner of Treasuries and
Accounts,
Panagal Building,
Saidapet, Chennai - 600 015.

3. The District Treasury Officer,
District Treasury,
Erode - 638 011.

+lcc to M/S.P.Immanuvel Prakasam, advocate sr.45402

+lcc to the Government Pleader Sr.45601

+1 cc to Mr.P.Immanuel prakasam, sr.52316(28/9)

WP No.32768 of 2014

rp[co]
srg 02/09/2016
krd 28/9