

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.2446 and 2447 of 2017

and WMP.Nos.2448 and 2449 of 2017

R.Rohini Kumari ... Petitioner in W.P.No.2446 of 2017

K.Sandhyasri ... Petitioner in W.P.No.2447 of 2017
vs.

1.The Secretary to Government,
Personnel & Administrative Reforms
Department,
Secretariat, Chennai-600 009. 1st Respondent in Both WP

2.The Secretary to Government,
E&F Department,
Secretariat, Chennai-600 009. 2nd Respondent in WP.2446/2017

3 The Secretary to Government
Industries Department
Secretariat, Chennai 600 009 2nd Respondent in WP.2447/2017

4.Tmt.C.B.Shanthi,
Joint Secretary to Government,
Personnel & Administrative Reforms
Department,
Secretariat, Chennai-600 009... 3rd Respondents in both W.Ps.

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider the petitioners for promotion as Principal Private Secretary in the Cadre of Deputy Secretary to Government from 27.01.2017 in the existing vacancy as per the approved panel of Senior Private Secretaries in G.O. (4D)No.50, Personnel and Administrative Reforms Department dated 11.11.2016 and consequently direct the first respondent to settle all the retirement benefits in the cadre of Principal Private Secretary.

For Petitioner : Mr.T.Ranganathan
in both W.Ps.

For Respondent : Mr.O.Selvam, Government Advocate
in both W.Ps.

C O M M O N O R D E R

By consent, these Writ Petitions are taken up for final disposal and common order is passed since the issue involved is one and the same.

2. The petitioner in W.P.No.2446 of 2017 was promoted as Senior Private Secretary on 22.04.2013 and was working in that capacity till the date of superannuation on 31.01.2017 in the second respondent department. The petitioner would further aver that her next promotion is to the post of Principal Private Secretary in the cadre of Deputy Secretary to Government and the first respondent is the competent authority for preparation of panel for the said post and accordingly, panel was prepared for the year 2016-2017 fixing the crucial date as 01.09.2016 and issued orders approving the panel vide G.O.(4D).No.50, Personnel and Administrative Reforms Department dated 11.11.2016 and in the said panel, the petitioner's name has been included as against Sl.No.5 and it was operated by promoting Tmt.K.A.Soundaravalli as Principal Private Secretary in November 2016. Since the petitioner is attaining the age of superannuation on 31.01.2017, she submitted a representation to the first respondent on 18.11.2016 to promote her to the said post and based on the instructions of the first respondent, she has also obtained leave letters from the Senior Principal Private Secretaries and submitted to the first respondent. According to the petitioner, the practice in vogue is that as and when the Senior Private Secretary is going on leave, panel will be operated and the Private Secretary will be given promotion as Senior Private Secretary and accordingly as per G.O.(Rt).No.293, Public (Special.A) Department dated 27.01.2017, Tmt.S.Jayanthi, T,t.G.Malarkodi were promoted as Joint Secretary to the Government in leave vacancies. The petitioner along with the petitioner in W.P.No.2447 of 2017, had submitted a representation dated 30.01.2017 to the Chief Secretary to Government, praying for their promotion by adopting the said practice and since their representations have not been given disposal, came forward to file this writ petition.

3. The petitioner in W.P.No.2447 of 2017 was promoted as Senior Private Secretary in the year 2013 and posted in the first respondent department and during th year 2014, he was posted in the second respondent department as Senior Private Secretary and was working in that capacity till date. The petitioner would further aver that her next promotion is to the

post of Principal Private Secretary in the cadre of Deputy Secretary to Government and the first respondent is the competent authority for preparation of panel for the said post and accordingly, panel was prepared for the year 2016-2017 fixing the crucial date as 01.09.2016 and issued orders approving the panel vide G.O.(4D).No.50, Personnel and Administrative Reforms Department dated 11.11.2016 and in the said panel, the petitioner's name has been included as against Sl.No.3 and it was operated by promoting Tmt.K.A.Soundaravalli as Principal Private Secretary in November 2016. Since the petitioner is attaining the age of superannuation on 31.01.2017, she submitted a representation to the first respondent on 18.11.2016 to promote her to the said post and based on the instructions of the first respondent, she has also obtained leave letters from the Senior Principal Private Secretaries and submitted to the first respondent. According to the petitioner, the practice in vogue is that as and when the Senior Private Secretary is going on leave, panel will be operated and the Private Secretary will be given promotion as Senior Private Secretary and accordingly as per G.O.(Rt).No.293, Public (Special.A) Department dated 27.01.2017, Tmt.S.Jayanthi, T,t.G.Malarkodi were promoted as Joint Secretary to the Government in leave vacancies. The petitioner along with the petitioner in W.P.No.2446 of 2017 had submitted a representation dated 30.01.2017 to the Chief Secretary to Government, praying for their promotion by adopting the said practice and since their representations have not been given disposal, came forward to file this writ petition.

4. The learned counsel appearing for the petitioners has drawn the attention of this Court to the typed set of documents and would submit that as per the prevailing practice, senior persons used to go on leave and the persons who are in the next line will be given promotion orders, so as to enable them to claim pensionary benefits and accordingly, as per G.O.(Rt.) No.293, Public Department dated 27.01.2017 three persons were given promotion and therefore, prays for similar orders. The learned counsel appearing for the petitioners has brought to the knowledge of this Court that both the petitioners have retired on 31.01.2017 and therefore, prays for conferment of notional promotion and other consequential benefits.

5. Heard the submissions of Mr.O.Selvam, learned Government Advocate who accepts notice on behalf of the respondents and also perused the entire materials available on record.

6. Though the petitioners pray for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, directs the respondents 1 and 2 to take into

consideration G.O.(RT) No.293, Public Department dated 27.01.2017 and dispose of the petitioners representations dated 30.01.2017 and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

7. The Writ Petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jvm

To

1.The Secretary to Government,
Personnel & Administrative Reforms
Department,
Secretariat, Chennai-600 009.

2.The Secretary to Government,
E&F Department,
Secretariat, Chennai-600 009.

3.Tmt.C.B.Shanthi,
Joint Secretary to Government,
Personnel & Administrative Reforms
Department,
Secretariat, Chennai-600 009.

4 The Secretary to Government
Industries Department
Secretariat, Chennai 600 009

+2cc to Mr.T. Ranganathan, Advocate, S.R.No.6320,6321
+1cc to the Government Pleader, S.R.No.6414

ak(CO)
md(07/02/2017)

W.P.Nos.2446 and 2447 of 2017