

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.01.2017
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.1473/2017

P.Dillibai

.. Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
Finance Department,
Secretariat,Fort St.George,
Cehnnai-600 009.
- 2.The Director of Pension,
DMS Complex, Teynampet,
Chennai-600 006. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent to pass orders for promoting the petitioner to the post of Assistant Treasury Officer, drafted from the Directorate of Small Savings And Social Security, by considering the eligibility of the petitioner as per Adhoc Rules and Service Rules for the Directorate of Small Savings and Social Security based on the representation submitted by the Petitioner dated 25.11.2016, with all consequential and other attendant benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.P.Sanjai Gandhi, AGP

सत्यमेव जयते

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Sanjai Gandhi, learned Additional Government Pleader accepts notice on behalf of the respondents.

2 The petitioner was initially appointed in the Directorate of Small Savings and Social Security as a Store Keeper and her appointment is governed by Service Rules/Adhoc Rules notified in G.O.Ms.No.1305, Finance Department dated

25.11.1978 and as per the Service Rules, the qualification for promotion to the post of Superintendent Grade-II and Assistant Treasury Officer, are prescribed. The petitioner would further state that vide G.O.Ms.No.531, Finance [Pension] Department dated 28.06.1994, separate Head of Department for pension and other retiral benefits and grievances called "Department of Pension" was created and as per the Annexure to the said Government Order, the post of Assistant Treasury Officer in the wing of Deputy Director of Social Security got merged with Directorate of Pension and as such, the post of Assistant Treasury Officer, Superintendent Grade II, Accountant and other staffs have been taken over by the Directorate of Pension and consequent upon the formation of the said Department, all the staffs working in the Directorate of Small Savings and Social Security have been absorbed on deputation. The petitioner would also contend that the Directorate of Small Savings and Social Security has requested to place the incumbents of the post mentioned in Annexure II in the Government Order along with the work attended by them relating to pension / Social Security for the administrative control of Director of Pension with effect from 01.09.1994 and they will be treated as "on deputation" from their Parent Department and accordingly, the petitioner was posted on deputation in the Department of Pension with effect from 01.09.1994 from the Parent Department of Small Savings and Social Security. The petitioner would also contend that no separate Service Rules have been framed for the Directorate of Pension and no inter se seniority has also been fixed between the staffs appointed in the Directorate of Pension and the staffs absorbed from the other Departments on deputation and only based upon the Ad Hoc Rules, the petitioner was given promotion to the post of Assistant with effect from 31.12.2001. The petitioner claims that she had passed all the Departmental Tests and is eligible for promotion to the post of Superintendent and accordingly, she was promoted to the said post vide proceedings of the 2nd respondent dated 13.11.2015 and it was based on the Ad Hoc Rules framed for the Directorate of Small Savings and Social Security. The petitioner further claims that she is also eligible to be promoted to the post of Assistant Treasury Officer for the reason that she had also passed the Departmental Test for promotion to the said post and in this regard, she has also submitted a representation dated 25.11.2016 to the 2nd respondent and though it was received and acknowledged, she is yet to be favoured with any kind of response and hence, she came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that the petitioner is fully qualified to be promoted to the post of Assistant Treasury Officer and since she is reaching the age of superannuation on 31.12.2017, there is an imminent

urgency to consider her claim for promotion to the said post and therefore, prays for appropriate orders.

4 This Court heard the submissions of Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents and also perused the materials placed before it.

5 Though the petitioner has prayed for a 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 petitioner either in her representation or in this writ petition, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 25.11.2016 on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order.

6 The writ petition stands disposed of with the above direction. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AP
To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Finance Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Director of Pension,
DMS Complex, Teynampet,
Chennai-600 006.

+1 cc to M/s.G.Sankaran Advocate sr 3919
+1 cc to Government Pleader sr 4297

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