

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.28383 of 2017
and W.M.P.No.30480 of 2017

P.Uma Maheswari

[Petitioner]

Vs

1 The State of Tamil Nadu
rep by its Principal Secretary to Government
Personnel & Administrative Reforms
Department Secretariat Fort St. George
Chennai-09

2 Tmt.Revathi

[Respondents]

Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st Respondent to promote the Petitioner to the post of Section Officer on par with juniors on inclusion of the name of the Petitioner in the panel for the year 2016-17 by considering the period of Revenue Inspector Training undergone by the Petitioner as period of service in the post of Assistant Section Officer with all consequential and other attendant benefits including payment of arrears of salary by considering the representation / objections submitted by the Petitioner dated 23.08.2017 within a time frame to be fixed by this Court

For Petitioner :: Mr.G.Sankaran

For Respondents :: Mr.P.Sanjay Gandhi, AGP(R1)

ORDER

Mr.P.Sanjay Gandhi, learned Additional Government Pleader, takes notice for the 1st respondent and with the consent on both sides, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed this writ petition seeking a Writ of Mandamus, directing the 1st respondent to promote her to the post of Section Officer on par with her juniors, on

inclusion of her name in the panel for the year 2016-17, by considering the period of Revenue Inspector Training undergone by her as period of service in the post of Assistant Section Officer with all consequential and other attendant benefits including payment of arrears of salary, by considering the representation / objections submitted by her dated 23.08.2017, within a reasonable time.

3. Heard the learned counsel on either side and perused the materials available on record.

4.1 The petitioner was appointed as Assistant Section Officer in the Tamil Nadu Secretariat Service by direct recruitment through the Tamil Nadu Public Service Commission in the year 2009. She also joined the service on 30.12.2009 in the Personnel and Administrative Reforms Department. It is also found that her service was regularized from the date of her initial appointment and she also became eligible for promotion to the post of Section Officer, on completion of six years of service, as required under the Special Rules.

4.2 When the matter stands as above, the inter-se seniority between the directly recruited Assistant Section officer and the promotee Assistant Section Officers included in the regular panel for the years 2008-2009 and 2009-2010 and joined in the year 2009 was fixed by issuing G.O.Ms.No.111, P & AR (U) Department dated 11.11.2016, along with annexure, showing the name of the petitioner at Sl.No.82 and below her name, one A.R.Revathi and V.Kaliamoorthy's name found place at Sl.Nos.83 and 84 respectively. In this background, the grievance of the petitioner is that when the regular panel of Assistant Section Officers fit for appointment as Section Officers for the year 2016-2017 was issued in G.O.(4D) No.25, P & AR (H1) Department, dated 08.08.2017, though the petitioner's junior viz., A.R.Revathy was shown at Sl.No.76, the petitioner's name does not find place in the said panel. Therefore, the petitioner, has given her objection/representation to consider her name in the said panel. Since there is no response, the petitioner has come before this Court.

5. The learned counsel for the petitioner submitted that neither any charge memo was issued nor any departmental proceedings is pending against the petitioner. While so, non inclusion of the petitioner's name in the regular panel for the post of Section Officer for the year 2016-2017 is highly unjustified. Hence, a direction should be given to the 1st respondent to consider the objection/representation of the petitioner within a time frame.

6. It is at this stage, the learned Additional Government Pleader appearing for the 1st respondent submitted that there is no proof filed along with the writ petition for submitting the objection/representation to the 1st respondent.

7. The learned counsel for the petitioner submitted that a copy of the said objection/representation dated 23.08.2017 will be submitted to the 1st respondent within a week from today and the same may be directed to be considered by the 1st respondent.

8. Since in the regular panel of Assistant Section Officers fit for appointment as Section Officers for the year 2016-2017 issued in G.O.(4D) No.25, P & AR (H1) Department, dated 08.08.2017, though the petitioner's junior viz., A.R.Revathy was shown at Sl.No.76, the petitioner's name does not find place in the said panel, the petitioner has given her objection/representation and since the same has not yet been considered, this Court is of the view that a direction may be issued to the 1st respondent to pass orders on the petitioner's objection /representation dated 23.08.2017 within a time frame.

9. In view of the above, the petitioner is directed to send a copy of the objection/representation dated 23.08.2017 to the 1st respondent within a week from today and on receipt of the same, the 1st respondent is directed to consider and pass orders on the same, within a period of four weeks thereafter.

10. With the above observations, the writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To
The Principal Secretary to Government
State of Tamil Nadu
Personnel & Administrative Reforms
Department Secretariat Fort St. George
Chennai-09

+1 cc to Govt Pleader sr 79339
+1 cc to Mr.G.Sankaran Advocate sr 78912

W.P.No.28383 of 2017

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