

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2017

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
AND
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Appeal No.1654 of 2016
and C.M.P.No.20496 of 2016

C.H.Manohar

.. Appellant/Petitioner

Vs.

1. The State of Tamil Nadu rep. by
The Commissioner,
Social Welfare Department,
SIDCO 2nd Floor, T.V.K. Industrial
Estate, Chennai- 600 032.

2. The Secretary to Government,
Social Welfare and Nutritious
Meal Programme Department,
Fort St. George, Chennai-600 009.

3. The Director of Treasuries and
Accounts, Panagal Building,
Saidapet, Chennai- 600 015.

4. The Secretary to Government,
Finance Department,
Fort St. George,
Chennai-600 009.

.. Respondents/Respondents

Writ Appeal filed under Clause 15 of the Letters Patent
against the order passed by the learned single Judge in Writ
Petition No.28375 of 2016, dated 16.08.2016.

For Appellant : Mr.C.H.Manohar-Party-in-Person

For Respondents : Mrs.A.Srijayanthi, Spl.Govt.Pleader

JUDGMENT

(Delivered by NOOTY.RAMAMOHANA RAO,J)

The writ petitioner is the appellant before us. He preferred
to appear in person and present his case before us, in the same
manner as he has done before the learned single Judge.

2. The writ petitioner/appellant was an employee of the Treasuries and Accounts Department of the State Government. He was deputed to work in the Social Welfare Department and consequently, the Joint Director (Administration) of the Social Welfare Department appointed the writ petitioner/appellant as Assistant-cum-Accountant in the Taluk Project Nutrition Office, Elayangudi, on 21.10.1982, as the Social Welfare Department needed suitable candidates to work against the vacancies of Assistants/Accountants available in the Social Welfare Department. In fact, the Director of Social Welfare, the Head of the said Department, has addressed all the other Heads of Departments of the Government on 04.01.1982, calling for the willingness of the employees working in various other departments to work in the Social Welfare Department, purely on deputation basis, initially for a period of one year, which is likely to be extended for a further period of one more year. Thus, the service of the writ petitioner/appellant have only been lent by the Treasuries and Accounts Department, to be utilized by the Social Welfare Department. Whereas the writ petitioner/appellant seeks promotion as Office Superintendent in the Social Welfare Department as against the vacancy existing in that Department.

3. Unless the Recruitment Rule governing the post provides for, as a source of recruitment, an opportunity even for deputationists to stake a claim for promotion, no deputationist can have any legitimate right to seek promotion against any such post in the borrowed department. The writ petitioner/appellant could not demonstrate before us that the service rules governing the cadre of the Social Welfare Department has provided for, any such source of recruitment. In the absence of any such rule, providing for an opportunity for considering the cases for promotion of deputationists, the deputationist has no right of any manner to stake a claim for promotion against a superior post available in that borrowed department.

4. This apart, the claim made by the writ petitioner for promotion was rejected way back in 1985. He has not challenged that order. He has been reverted back thereafter to his parent department namely Treasuries and Accounts Department and he has also retired from service on 31.03.2011. Nearly five years thereafter his retirement, he instituted the writ petition from out of which the present appeal arises. Therefore, the lis concerning the promotion which was denied 30 years back, cannot be permitted to be agitated so belatedly. Hence, the learned single Judge has rightly dismissed the writ petition for sheer delay and laches on the part of the writ petitioner to approach the court in time and promptly.

5. For the reasons aforesaid, we see no merit in this writ appeal and accordingly, we dismiss it at the admission stage. No costs. Consequently, C.M.P.No.20496 of 2016 is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

Copy to:

1. The Commissioner, Social Welfare Department, SIDCO 2nd Floor, T.V.K. Industrial Estate, Chennai- 600 032.
2. The Secretary to Government, Social Welfare and Nutritious Meal Programme Department, Fort St. George, Chennai-600 009.
3. The Director of Treasuries and Accounts, Panagal Building, Saidapet, Chennai- 600 015.
4. The Secretary to Government, Finance Department, Fort St. George, Chennai-600 009.

+1cc to Mr.C.Manohar, Party in person SR.No.949
+1cc to the Government Pleader SR.No.894.

TM(CO)
GN(30/01/2017)

W.A.No.1654 of 2016

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