

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.35061 of 2004

V.Thangasamy

... Petitioner

Vs.

1. The State of Tamil nadu,
Rep. by its Secretary to Government,
Finance Department (T&A),
Fort St.George,
Chennai 600 007.
2. The Commissioner of Treasuries & Accounts,
Saidapet,
Chennai 600 015.
3. The Treasury Officer,
Tuticorin.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to G.O.(d) 211 dated 09.07.2002, on the file of the first respondent and to quash the same.

For Petitioner : M/s.S.S.R.Associates
For Respondents : Mr.M.Elumalai
Government Advocate

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सत्यमेव जयते
O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records pertaining to G.O. (D) 211 dated 09.07.2002, on the file of the first respondent and to quash the same.

2.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents.

3.The petitioner was selected by the Tamil Nadu Public Service Commission for the post of Junior Assistant in the Department of Treasury and Accounts. He joined the service as Junior Assistant on 16.04.1974 and completed his probation on

15.09.1976. Thereafter, he was promoted as Accountant and he joined his duty as Assistant on 25.02.1980. His service was regularised from the date of joining. Thereafter, on his request, the petitioner was transferred to Sivagangai. Pursuant to the transfer order, the petitioner was placed as junior most Accountant in the new district and he was also awarded Selection Grade on completion of ten years of service as Accountant.

4. In so far as the Treasury Department is concerned, each district is separate unit for the purpose of appointment and seniority upto a level. As per Rule 18(2) of the Tamil Nadu Ministerial Service Rules, once the petitioner is transferred to another unit, he will be treated as a fresh entrant in the new unit. According to his seniority in the Tuticorin district, the petitioner's name was included in the panel of Accountant for the year 1994 and his services were regularized from 31.03.1994 as per the above said Rules. Once the petitioner choose to go to the new district on his request, automatically, he lost his seniority in the cadre of Accountant in the previous unit. Hence, his name was not considered for inclusion in the post of Sub-Treasury Officer/ Superintendent for the year 1998-99 against which, the petitioner filed an appeal before the second respondent through proper channel with all relevant details. After examining the appeal, the second respondent rejected the appeal, against which, the petitioner preferred a revision before the first respondent and the first respondent rejected the revision vide G.O.(D) No.211, Finance (TA-1) Department, dated 09.07.2002. Challenging the same, the petitioner has filed this writ petition.

5. Once, the petitioner choose to go to the new district on his request, as per Rules, he is treated as the new entrant and his seniority in the new place alone is applicable. Accordingly, the Authority rejected his revision. In view of the above, I am not inclined to interfere with the order passed by the Authority. Accordingly, the writ petition is dismissed. No Costs.

सत्यमेव जयते

s/d-

Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government
Finance Department (T&A),
Fort St.George,
Chennai 600 007.
 2. The Commissioner of Treasuries & Accounts,
Saidapet,
Chennai 600 015.
 3. The Treasury Officer,
Tuticorin.
- +1 CC to Govt. Pleader sr 65990.

W.P.No.35061 of 2004

SV(CO)
sp(13/10/2017)



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