

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27097 of 2004

And

W.P.M.P.No.33001 of 2004

A.Krishna Ramanujam

... Petitioner

Vs.

1.The Commissioner of treasuries and Accounts,
Panagal Building,
Saidapet, Chennai - 15.

2.The District Treasury Officer,
Dharmapuri District,
Dharmapuri.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order passed by the 1st respondent in Proc.O.Mu.17522/2004/M1 dated 26.05.2004 and quash the same and consequently direct the respondents to revise the seniority of the petitioner in the post of Assistant by correcting the wrong entry in the service register in respect of the language test in Tamil Part "D" and with all consequential service benefits.

For Petitioner : Mr.R.Prem Narayan
for Mr.M.Saravana Kumar

For Respondents: Mrs.K.Bhuvaneswari
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order passed by the first respondent in Proc.O.Mu.17522/ 2004/M1 dated 26.05.2004 and quash the same and consequently, direct the respondents to revise the seniority of the petitioner in the post of Assistant by correcting the wrong entry in the service register in respect of the language test in Tamil Part "D" and with all consequential service benefits.

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

3.The petitioner is challenging the rejection order dated 26.05.2004, wherein his requisition for revision of his seniority in the post of Assistant/ Accountant was rejected on the ground that it cannot be entertained as per G.O.Ms.No.1140, Personnel and Administrative Reforms (Per-P) Department, dated 02.12.1983.

4.The learned counsel appearing for the petitioner would submit that the petitioner passed the language test in the year 1974 itself and

the second class language test in Tamil Part "D" in May 1976 itself and the same was also published in the Tamil Nadu Public Service Commission Bulletin on 01.10.1976 and prayed for allowing the writ petition.

5.It is useful to extract hereunder the relevant portion of G.O.Ms.No.1140, Personnel and Administrative Reforms (Per-P) Department, dated 02.12.1983:

"In the said Rules, in rule 35, after sub-rule (e) the following sub-rule shall be added namely:

"(f) Application for the revision of seniority of a person in a service, class, category or grade shall be submitted to the appointing authority within a period of three years from the date of appointment to such service, class, category or grade or within a period of three years from the date of order fixing the seniority, as the case may be. Any application received after the said period of three years shall be summarily rejected. This shall not however, be applicable to case of rectifying orders, resulting from mistake of facts".

6.On a perusal of G.O.Ms.No.1140, Personnel and Administrative Reforms (Per-P) Department, dated 02.12.1983, it is clear that the application for the revision of seniority should be submitted to the appointing authority within a period of three years from the date of appointment to such service, class, category or grade or within a period of three years from the date of order fixing the seniority.

7.In the present case on hand, though the petitioner possessed the qualification and the same has been published in the Tamil Nadu Public Service Commission Bulletin on 01.10.1976, he made application for revision of his seniority only on

22.03.2004. It shows that he submitted the application nearly after Twenty eight years and now more than two decades have passed and it is contrary to the above said Government Order. In view of the above facts, the writ petition fails and the same is dismissed, as I am not inclined to interfere with the order passed by the first respondent dated 26.05.2004. No Costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1.The Commissioner of treasuries and Accounts,
Panagal Building,
Saidapet, Chennai - 15.

2.The District Treasury Officer,
Dharmapuri District,
Dharmapuri.

+ 1 cc to Mr.R.Prem Narayan, Advocate, SR.65511
+ 1 cc to The Govt.Pleader, SR.65986

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SVI (CO)
NR 12/11/2017

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