

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:02.01.2018

CORAM

THE HONOURABLE MR. JUSTICE T. RAJA
W.P. No. 32890 of 2017

&

W.M.P. Nos. 36256 to 36258 of 2017

1. K. Murugesan
 2. K. Deenathayalan
 3. B. Gurusamy
 4. V. Dhanasekaran
 5. V. Daranikumar
 6. A. Saravanan
- ...Petitioners

Vs.

1. The Govt. of Tamil Nadu, rep. by
Its Secretary,
Department of Finance (Treasury
& Accounts),
Fort St. George,
Chennai - 600 009.
 2. The Commissioner of Treasury &
Accounts,
Panagal Building,
Saidapet, Chennai - 600 015.
- ...Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records pertaining to 14.11.2017 in Ref.No. 47088/2017/A3 issued by the 2nd respondent and consequently quash the same and direct the respondents to send a communication to all the Departments including the Department of Industries and Commerce calling for the eligible candidates for the preparation of panel for the post of Assistant Accounts officer by following the prescribe Rules.

For Petitioners :: Mr.V.R. Kamalanathan

For Respondents :: Mr.R.A.S. Senthilvel,
Addl. Govt. Pleader

O R D E R

This writ petition is filed challenging the communication dated 14.11.2017 bearing Ref.No. 47088/2017/A3 issued by the 2nd respondent and consequently quash the same and

direct the respondents to send a communication to all the Departments including the Department of Industries and Commerce calling for the eligible candidates for the preparation of panel for the post of Assistant Accounts officer by following the prescribed Rules.

2. By the impugned communication, the 2nd respondent has called for particulars of eligible candidates for the preparation of panel to the post of Assistant Accounts officer for the year 2017-2018 and the said communication was sent to all subordinates of the Treasuries and Accounts Department except the Department of Industries and Commerce where the petitioners are working as Superintendents and the last date for receipt of the particulars was fixed as 20.12.2017.

3. According to the learned counsel for the petitioners, the petitioners, even as on 15.06.2017, were possessed with the qualifications, as prescribed in the said communication dated 14.11.2017 and since the impugned communication was not sent to the Department of Industries and Commerce, the petitioners' inclusion in the panel for promotion has been affected. In this regard, it is submitted that the 4th petitioner has sent a representation dated 06.12.2017 to the respondents and the same is pending consideration. Since the last date for furnishing of particulars of eligible candidates for inclusion in the panel for promotion to the post of Assistant Accounts Officer was fixed as 20.12.2017, the learned counsel for the petitioners would submit that a direction may be issued to consider the case of the petitioners as well.

4. On the other hand, learned Additional Government Pleader appearing for the respondents would submit that the petitioners need not have challenged the impugned communication dated 14.11.2017 as the same does not cause any prejudice to their case. However, he would submit that since the petitioners are said to have been possessed with the qualifications prescribed in the impugned communication and the 4th petitioner has submitted a representation to the respondents, the same would be considered for inclusion in the panel for promotion to the post of Assistant Accounts Officer, in accordance with law.

5. Though a larger relief is sought, in the light of the above submission of the learned Additional Government Pleader, the writ petition stands disposed of directing the respondents to consider the representation of the 4th petitioner dated 06.12.2017 and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and if the petitioners are

found to be otherwise eligible, their names should be included in the panel for promotion to the post of Assistant Accounts Officer for the year 2017-2018 in Class IV of Tamil Nadu State Treasuries and Accounts Service. No costs. Connected W.M.Ps are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

nv

To

1. The Secretary,
Department of Finance (Treasury
& Accounts),
Fort St. George,
Chennai - 600 009.

2. The Commissioner of Treasury &
Accounts,
Panagal Building,
Saidapet, Chennai - 600 015.

+1cc to Government Pleader Sr.No.217

+1cc to Mr.V.R.Kamalanathan, Advocate SR.No.73

sm:6.2.2018

W.P. No. 32890 of 2017

सत्यमेव जयते
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