



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2018

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD).No.11348 of 2018

and

WMP (MD) Nos.10333 & 10334 of 2018

V.R.Palanivelrajan,
Inspector of Internal Audit,
O/o.the Assistant Director,
Internal Audit Department,
Sivagangai, Sivagangai District.

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. By its Additional Chief Secretary to Government,
Finance (Local Fund) Department,
Fort St. George,
Chennai - 9.

2. The Director of Local Fund Audit,
Combined Finance Department Office Complex,
4th Floor, Nanthanam,
Chennai - 600 035.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in G.O.(Ms) No.159, dated 10.05.2018 on the file of the first respondent and quash the same as illegal and consequently to direct the respondents to make promotions to the posts of Assistant Director of Local Fund Audit after preparing a panel for promotion in the post of Inspectors of Local Fund Audit within the time stipulated by this Hon'ble Court.

For Petitioner	: Mr. S.Louis
For Respondents	: Mrs. S.Srimathy
	Special Government Pleader

O R D E R

The Prayer sought for in this Writ Petition is for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in G.O.(Ms) No.159, dated 10.05.2018 on the file



of the first respondent and quash the same as illegal and consequently, to direct the respondents to make promotions to the posts of Assistant Director of Local Fund Audit after preparing a panel for promotion in the post of Inspectors of Local Fund Audit.

2. Heard Mr. S.Louis, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

3. The G.O.(Ms)No.159, Finance (Local Fund) Department, dated 10.05.2018, issued by the first respondent is the order impugned herein. In the said impugned order, a temporary panel of 33 names have been approved by the Government for appointment to the post of Assistant Director of Local Fund Audit.

4. In this regard, the grievance of the petitioner appears to be when they are in normal temporary panel, they will publish it with an indication that since it is a temporary panel those who have grievance over the said panel or aggrieved over the said temporary panel can raise such grievance to the authority concerned and it shall be considered by the authorities and based on which a final panel would be published.

5. Here, in the case in hand, since such opportunity has not been expressly given to the petitioner and other similarly placed persons raised any objection about the preparation of the temporary panel, the petitioner has approached this Court.

6. In this regard, the learned Counsel for the petitioner would submit that, the name of the petitioner has been left out in the panel, though some of his juniors find place in the impugned panel. Therefore, against the impugned order of temporary panel of candidates fit for promotion to the post of Assistant Director of Local Fund Audit, there is a chance for the petitioner to raise his objections and therefore, if such a chance is given to the petitioner he cannot have any grievance over the panel.

7. On the other hand Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents by relying upon the averments made in the counter affidavit would submit that after having considered the merits of the candidates who are fit to be included in the panel, the new panel has been issued under G.O.(Ms) No.159. She would further submit that the said panel is a temporary panel only.

8. In support of her contention, she relied on the counter affidavit paragraph No.6, which reads as follows :

" 6.It is respectfully submitted that the averments set out in para 5 of the affidavit are denied as false and incorrect. After due process of law, (i.e publication of seniority list in the cadre of Assistant Inspector as per the Court order and publication of panel in the



cadre of Deputy Inspector and Inspector) the G.O.(Rt) No.393, Finance (Local Fund) Department, Dated 10.05.2018 has been issued fixing the estimate of vacancies as 33 for the year 2017-2018 to the post of Assistant Director of Local Fund Audit and Internal Audit Department and followed by G.O.Ms.No.159, Finance (Local Fund) Department, Dated 10.05.2018 in which orders have been issued for enlisting the temporary panel of names approved by the Government for appointment to the post of Assistant Director of Local Fund Audit."

9. The learned Special Government Pleader would further submit that, since it is a temporary panel for appointment to the post of Assistant Director of Local Fund Audit, dated 10.05.2018, it is open to the petitioner or any other aggrieved persons to raise objections against the temporary panel which is impugned herein and if any such objections come from the petitioner or others who are really aggrieved, certainly, the respondents would consider the same and final panel would be accordingly published.

10. I have heard the said submissions made by both sides and perused the materials available on records.

11. In view of the stand taken by the respondents through the Special Government Pleader that the impugned panel is a temporary panel and if at all the petitioner or other similar persons wish to raise any objections, they can raise it and based on such objections, if any, received from them including the petitioner, the final panel would be published, this Court is of the view that, if such an opportunity is given to the petitioner and similarly placed persons, there can be no further grievance on the side of the petitioner, at this juncture against the impugned panel.

12. In view of the above, this writ petition is disposed of with the following directions :

i) that the petitioner shall be permitted by the respondents to raise objections against the impugned panel of names approved by the Government for appointment to the post of Assistant Director of Local Fund Audit Department, as per G.O.Ms.No.159, Finance (Local Fund) Department, dated 10.05.2018.

ii) the petitioner and similarly placed persons who are not before this Court in this writ petition can make such objections within a period of 30 days from the date of receipt of a copy of this order and any such objections from the petitioner or any other similarly placed persons are received by the respondents, the same shall be objectively considered and accordingly, a final panel of names to be approved by the Government for appointment to the post of Assistant Director in the Department of Local Fund Audit shall be issued thereafter.



13. With these directions and observations this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Additional Chief Secretary to Government,
The State of Tamil Nadu,
Finance (Local Fund) Department,
Fort St. George,
Chennai - 9.

2. The Director of Local Fund Audit,
Combined Finance Department Office Complex,
4th Floor, Nanthanam,
Chennai - 600 035.

+ 1 CC TO Mr.S.LOUIS, ADVOCATE IN SR No. 67697
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 67787

RM

TE/SV-MMS/SAR-1 : 25/06/2018 : 4P/5C

ORDER MADE IN
W.P.(MD) .No.11348 of 2018 and
WMP(MD)Nos.10333 & 10334 of 2018
11.06.2018