



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 26.03.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.23162 of 2016

and

**W.M.P. (MD) Nos.16632 to 16634 of 2016 &
1604, 1956 of 2017**

- 1.M.Saravanan
- 2.S.Nagarajan
- 3.D.Sangeetha
- 4.N.Saroja
- 5.R.Malathi
- 6.B.Kannathasan
- 7.N.Karthikeyan
- 8.V.Ashokkumar
- 9.S.Elango
- 10.M.Saravanamoorthy
- 11.K.Nirmal
- 12.B.Indrani
- 13.G.Balasubramanian
- 14.P.Anbumani
- 15.P.Senthilkumar
- 16.S.Mahesh
- 17.G.Suganadevi
- 18.T.Premkumar
- 19.S.Suresh
- 20.R.Palanisamy
- 21.G.Paulpandi
- 22.K.Shanthi
- 23.S.Revathi
- 24.B.Gurumoorthy

... Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Rural Development & Panchayat Raj Department,
Secretariat,
Chennai.
2. The Principal Secretary / Personal &
Administrative Reforms (B) Department,
Secretariat, Chennai - 9.
3. The Director,
Directorate of Rural Development & Panchayat Raj,
Panagal Maligai,
Saidapet, Chennai - 15.



4. The District Collector,
Karur, Karur District.

5. I.Geetha

6. P.Suresh

7. S.Nalini

8. S.Pondurai Siva

9. M.Sudha

10.R.Usha

11.S.Saridha

12.K.P.Nithya

13.P.Gayathri

14.K.Kamatchi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 4th respondent in Na.Ka.PaVa 4/2619/2012 dated 29.05.2012 and the consequential impugned order passed by the 4th respondent in his proceedings in Na.Ka.Pava 9/4624/2014 dated 22.09.2016 and the consequential rejection order passed by the 4th respondent in Na.Ka.Pava 4/2388/2016 dated 22.09.2016 and quash the same as illegal and consequentially to direct the 4th respondent to draw the inter se seniority list of Assistants directly recruited through TNPSC and the Promotive Assistants by placing the Promotive Assistants below the directly recruited Assistants in the light of the fact that the Promotive Assistants did not complete the one year Junior Assistant training as contemplated under Rule 30(c) of the Tamil Nadu Ministerial Service Rules.

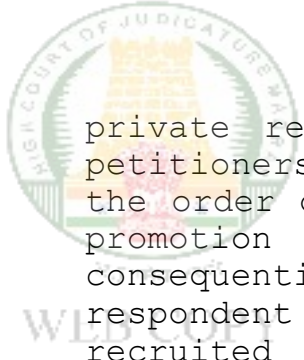
For Petitioners : Mr.C.Venkateshkumar for
M/s.Ajmal Associates,

For Respondents : Mrs.S.Srimathy,
Special Government Pleader for R.1 to R.4
Mr.T.Lajapathi Roy for R.5 to R.14

ORDER

Heard the learned Counsel on either side.

2. The petitioners were directly appointed as Assistants in Rural Development and Panchayat Raj Department, in December 2012. The private respondents in the writ petition, on the other hand, are Promotee Assistants. By proceedings dated 29.05.2012, issued by the District Collector, Karur / the fourth respondent herein, they had been promoted to the said post. However, when the *inter se* seniority list was prepared, the said Promotee Assistants had been placed above the petitioners, who were directly recruited. The contention of the petitioners is that Rule 30(c) of Tamil Nadu Ministerial Service Rules contemplates undergoing of one year training as Junior Assistant by such promotee before being promoted. The petitioners would contend that in view of the clear infringement of the requirement set out in the aforesaid statutory rule, they (the



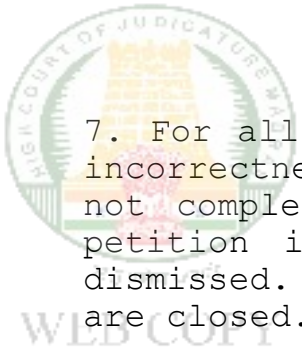
private respondents herein) ought to have been placed below the petitioners. The petitioners have, therefore, questioned not only the order dated 29.05.2012 passed by the fourth respondent granting promotion in favour of the private respondents, but also the consequential proceedings. The petitioners want the fourth respondent to redraw the *inter se* seniority list of directly recruited Assistants, who are recruited through TNPSC and the Promotee Assistants, by placing the Promotee Assistants below the directly recruited Assistants. The sheet anchor of the petitioners' contention is that the Promotee Assistants did not complete the one year Junior Assistant training as contemplated under Rule 30(c) of Tamil Nadu Ministerial Service Rules.

3. This writ petition is liable to be dismissed for more reasons than one. The petitioners are directly recruited Assistants. The private respondents are Promotee Assistants. The Promotee Assistants were given promotion and they had been appointed as Assistants well before the petitioners entered service. The petitioners cannot be aggrieved by a service benefit conferred on in-service candidates prior to their entry. The petitioners will have no *locus standi*, whatsoever, to question the promotion granted in favour of the private respondents.

4. That apart, it is relevant to note that this writ petition was filed only in November, 2016. There cannot be any challenge to a proceedings which was passed on 29.05.2012. In other words, the order impugned in the writ petition is challenged nearly after 4½ years. Therefore, this writ petition is liable to be dismissed not only on the ground of *locus standi*, but also on the ground of laches. The petitioners have chosen to impugn the promotion given to the private respondents only on account of their grievance arising out of reckoning the *inter se* seniority.

5. As rightly pointed out by the learned Special Government Pleader as well as the learned Counsel appearing for the private respondents, the private respondents herein have very much completed the requisite basic clerical training for one year. In the typed set of papers, the certificates issued in their favour have also been duly enclosed. Rule 30(c) of Tamil Nadu Ministerial Staff Rules provides that no Typist shall be eligible for promotion as Assistant, unless he has undergone training as Junior Assistant for a period of one year, without detriment to his Typist work. In the present case, the private respondents herein have very much completed the one year training, as contemplated in the aforesaid statutory rule. Therefore, the allegation made by the petitioners has been positively disproved.

6. The crucial date for promotion to the post of Assistants in this case was 15.03.2012. The private respondents herein were promoted as Assistants in the months of May and June, 2012. On the other hand, the petitioners got appointed as Assistants on Direct Recruitment only in the month of December, 2012.



7. For all these reasons, namely, want of *locus standi*, laches and incorrectness of the allegation that the private respondents have not completed the basic training as Junior Assistants, this writ petition is liable to be dismissed and the same is accordingly dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Rural Development & Panchayat Raj Department,
Secretariat,
Chennai.
2. The Principal Secretary / Personal &
Administrative Reforms (B) Department,
Secretariat, Chennai - 9.
3. The Director,
Directorate of Rural Development & Panchayat Raj,
Panagal Maligai,
Saidapet, Chennai - 15.
4. The District Collector,
Karur, Karur District.

+1cc to M/s. AJMAL ASSOCIATES, Advocate, Sr.No.58165
+1cc to Mr.T.Lajapathi Roy, Advocate, Sr.No.58009
+1cc to Spl. Government Pleader, Sr.No.58916

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VE/KKR/SAR1/05.06.2018/4P/8C