



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15.11.2021

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .No.5196 of 2018

and

W.M.P. (MD) .No.5186 of 2018

WEB COPY

P.Siva Kumar

... Petitioner

vs.

1.The Principal Secretary /Commissioner of
Treasuries and Accounts Department,
Nandanam,
Annasalai,
Chennai 600 035.

2.The Regional Joint Director,
Treasuries and Accounts Department,
Collectorate Complex,
Anna Nagar,
Madurai 20.

3.The District Treasuries Officer,
Office of the District Treasuries Office,
Anguvilas Mettupatty,
Dindigul,
Dindigul District.

4.The District Treasuries Officer,
Office of the District Treasuries Officer,
Collectorate Complex,
Theni,
Theni District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to approve the petitioner's date of promotion to the post of Accountant from the post of Junior Assistant with effect from 04.07.2012 in par with the other Junior Assistant worked with the petitioner and promoted to the post of Accountant dated 04.07.2012, through the proceedings of the third respondent Ka.M.A.No.100/2012/A1, dated 04.07.2012 and Na.Ka.11079/2012/A1, dated 04.07.2012 and consequently direct the first respondent to include the petitioner's name in the panel for the post of Sub Treasury Officer /Superintendent for the year 2017 - 2018.



For Petitioner : Mr.P.Pethu Rajesh
For Respondents : Mr.A.K.Manikkam
Special Government Pleader

O R D E R

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The petitioner, who claims to have been appointed as Junior Assistant in the District Treasuries Office on 04.06.2009, seeks a Mandamus directing R3 to approve the date of his promotion to the post of Accountant from the post of Junior Assistant with effect from 04.07.2012 on par with the other Junior Assistants, who were appointed with him. He consequently seeks a direction to R1, the Principal Secretary / Commissioner of Treasuries and Accounts Department to include his name in the panel for the post of Sub Treasury Officer / Superintendent for the year 2017 - 2018.

2. A counter has been filed by the Regional Joint Director of the Treasuries and Accounts Department, wherein, at para - 5, they state that as on 04.07.2012, there were 31 vacancies for the post of Accountant, 26 were ordered to be kept as vacant for direct recruitment and the remaining 5 were to be filled through promotion. The allegation that the petitioner's juniors have been promoted as Superintendent, in preference to, and overlooking the petitioner has been specifically denied.

3. In view of the above, the Mandamus, as sought for is not liable to be granted. However, the petitioner has made a representation dated 26.02.2018 seeking the same relief as sought in this writ petition. Mr.A.K.Manikam, learned Special Government Pleader appearing for the respondents assures the Court that an order will be passed thereupon, after hearing the petitioner, within a period of eight weeks from today, uninfluenced by the defence mounted by the respondents in the counter.

4. A direction is thus issued to the first respondent (R1) to consider representation dated 26.02.2018, hear the petitioner and pass orders thereupon on merits and in accordance with law, within a period of eight weeks from today. In light of the aforesaid direction, nothing further survives in this writ petition and the same stands disposed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



akv

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Principal Secretary /Commissioner of
Treasuries and Accounts Department,
Nandanam,
Annasalai,
Chennai 600 035.
- 2.The Regional Joint Director,
Treasuries and Accounts Department,
Collectorate Complex,
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- 3.The District Treasuries Officer,
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Anguvilas Mettupatty,
Dindigul,
Dindigul District.
- 4.The District Treasuries Officer,
Office of the District Treasuries Officer,
Collectorate Complex,
Theni,
Theni District.

+1 CC to M/s.P. PETHU RAJESH, Advocate (SR-34618[F] dated 16/11/2021)

+1 CC to M/s.SPL GP (SR-34566[F] dated 16/11/2021)

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