



W.P.No.7531 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.7531 of 2016
and
W.M.P.No.6746 of 2016

B.Muniraj

...Petitioner

-Vs-

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary to Govt.,
Rural Development & Panchayat Raj Department,
Fort St. George, Chennai - 600 009.
- 2.The Director of Rural Development &
Panchayat Raj,
Panagal Building, Saidapet,
Chennai - 600 015.
- 3.The District Collector (PD Section),
Krishnagiri District,
Krishnagiri.

...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 order dated 23.06.2015 bearing No.Roc.K2/380/2015 passed by the third respondent confirming the Letter No.2(D) No.13, dated



W.P.No.7531 of 2016

25.02.2011 by the first respondent insofar it relates to reckoning the seniority of the petitioner in the cadre of Junior Assistant from the date of appointment viz., 24.05.2011 and quash the same and further direct the respondents to grant notional service benefits by reckoning the seniority of the petitioner in the cadre of Junior Assistant from the year 2003-2004 with all consequential benefits such as re-fixation of seniority in the cadre of Junior Assistant and Assistant, notional pay, etc.

For Petitioner : Mr.K.S.Viswanathan

For Respondents : Mr.D.Gopal,
Government Advocate

ORDER

Heard Mr.K.S.Viswanathan, learned counsel for the petitioner and Mr.D.Gopal, learned Government Advocate for the respondents.

2. The Hon'ble Supreme Court, in the case of *Union of India Vs. S.S.Uppal and another* reported in (1996) 2 SCC 168, has held that, mere inclusion of the employee's name in the selection list will not give a right to claim notional promotion. In the instant case, while the petitioner's name was included in the temporary promotional panel to the post of Junior Assistant for the year 2003-2004, the panel itself came to be approved only on



W.P.No.7531 of 2016

25.02.2011. The petitioner now seeks for notional seniority from the year 2003-2004.

3. By applying the ratio laid down by the Hon'ble Supreme Court in *S.S.Uppal's case (supra)*, such a claim for notional promotion may not be permissible. Thus, the impugned order, rejecting the petitioner's claim for notional seniority from the date of the panel, does not require interference.

4. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

19.12.2022

Index:Yes/No
Internet:Yes/No
Speaking order/Non-speaking order
hvk



WEB COPY



W.P.No.7531 of 2016

M.S.RAMESH,J.

hvk

To

- 1.The Principal Secretary to Government,
Government of Tamil Nadu,
Rural Development & Panchayat Raj Department,
Fort St. George, Chennai - 600 009.
- 2.The Director of Rural Development & Panchayat Raj,
Panagal Building, Saidapet,
Chennai - 600 015.
- 3.The District Collector (PD Section),
Krishnagiri District,
Krishnagiri.

W.P.No.7531 of 2016

19.12.2022