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W.P.No.4020 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4020 of 2017
and
W.M.P.No.4119 of 2017

J.Suseela

...Petitioner

Vs.

1.The Principal Secretary to Government
Finance, Treasury Accounts Department-II,
Fort St.George,
Chennai – 600 009.

2.The Director,
Department of Treasury & Accounts,
Panagal Building, Saidapet,
Chennai – 600 015.

..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 dated 10.11.2016 Ref.No.Na.Ka.34212/N2/2015 issued by the 1st respondent and quash the same and consequently direct the respondent authorities 1 & 2 to grant notional promotion to the petitioner to the post of Assistant Treasury Officer with effect from 25.2.2014 viz date of G.O.Ms.No.51 dated 25.2.2014 and grant all consequential salary and retirement benefits to the petitioner together with arrears, within a time to be



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fixed by this Honble Court.

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For Petitioner : Ms.M.Periyanayagi
For Mr.S.Thanka Sivan

For R1 & R2 : Mr.P.Sanjay Gandhi
Government Advocate

ORDER

The order of rejection rejecting the claim of the writ petitioner for promotion to the post of Assistant Treasury Officer with effect from 25.02.2014 is under challenge in the present writ petition.

2. The petitioner was employed as Superintendent in the Pay and Accounts Office – North, Chennai – 600 001. Till February 2014, the pre-condition for granting promotion to the post of Assistant Treasury Officer from the post of Superintendent was that one year training in the Sub-Treasury Office should be undergone by the Superintendents. In this regard, the Superintendents who were willing to get promotion / empanel in the seniority list for promotion as Assistant Treasury Officers were shifted / transferred as posted in Sub-Treasury Offices.

3. In view of the mandatory requirement of training for one year for



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the purpose of promotion to the post of Assistant Treasury Officer, many of the Superintendents relinquished their right for promotion temporarily under Rule 47 of the General Rules for Tamil Nadu State and Subordinate Service Rules. The petitioner states that she is fully qualified for promotion subject to training in Sub Treasury office. She could not undergo such training in Sub Treasury office in mouffisil Districts, in view of the fact that she was having school going children and her husband was also employed in Chennai. Shifting of her services to mouffisil area would cause great inconvenience to her and under those compelling circumstances, she had temporarily relinquished her right for promotion under Rule 47 of the General Rules.

4. Therefore, it is not in dispute that the petitioner temporarily relinquished her promotion for a period of three years. That apart, the petitioner had not undergone the mandatory training of one year in the post of Sub-Treasury Officer. The relief sought for in the present writ petition is to promote the writ petitioner as Assistant Treasury Officer in the panel of the year 2014-15. The fact remains that the petitioner relinquished her right of promotion temporarily for a period of three years from 28.12.2012 to



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27.12.2015. Thus, the petitioner was due for consideration in the panel of the year 2016-17. However, she attained the age of Superannuation and retired from service on 30.04.2016.

5. In view of the fact that the petitioner was retired from service on 30.04.2016, her name was not considered in the panel of the year 2016-17. Thus, the petitioner lost the opportunity of promotion on her volition and further, she had relinquished her right of promotion from 28.12.2012 to 27.12.2015 and thus, there is no infirmity in respect of the order impugned passed by the respondents and the writ petitioner has not established any acceptable reason for the purpose of grant of notional promotion.

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

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(1/2)

Index : Yes
Speaking order: Yes
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To



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S.M.SUBRAMANIAM, J.

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