



W.P.No.34689 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34689 of 2019

and

W.M.P.Nos.35441, 36055 & 36062 of 2019

1. Ravichandran.T
2. Saranya N.R
3. Mohan.N
4. Nandini.K
5. Thiyagarajan.A
6. Sekar.V
7. Sivaprakasam.S
8. Maruthadurai.M

... Petitioners

Vs.

1. The Principal Secretary,
Commissioner of Treasuries and Accountants,
Integrated Office Campus of Finance Department,
Third Floor, 571, Mount Road,
Nandanam,
Chennai.
2. The Treasury Officer,
Thiruvarur District Treasury,
Collectorate Campus,
Thiruvarur.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to re-fix the state wide inter-se seniority 2019, in accordance with seniority in age among Accountants of promotes and direct recruits who joined service on 03.12.2012 and 04.12.2012 as per the provisions contemplated under the Section 40(2) of Tamil Nadu Government Servants (Condition Service) Act 2016 and fix the seniority of the petitioner over and above the junior and promote him as Superintendent on par with juniors.

For Petitioners : Mr.Athimoolam
and Mr.M.G.D.Stalin

For Respondents : Mr.Ravi
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to re-fix the state wide inter-se seniority 2019, in accordance with seniority in age among Accountants of promotes and direct recruits, who joined service on 03.12.2012 and 04.12.2012 as per the provisions contemplated under the Section 40(2) of Tamil Nadu Government Servants (Condition Service) Act 2016 and fix the seniority of the petitioner over and above the junior and promote him as Superintendent on par with juniors.



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2. The petitioners state that they were initially appointed as Junior Assistant on 04.06.2009 and promoted to the post of Accountant in the year 2012. The petitioners state that they are qualified for promotion to the post of Superintendent and an Inter-Se Seniority list was published.

3. The learned counsel for the petitioners states that the juniors to the writ petitioners were promoted to the post of Superintendent, depriving the right of the petitioners for further promotion to the post of Superintendent.

4. Thus, the petitioners made several representations to consider their claim to refix their seniority and promote them to the post of Superintendent. Since, it was not considered, the petitioners have chosen to file the present writ petition.

5. The learned Special Government Pleader appearing for the respondents objected the said contention by stating that the petitioners have sought for retrospective regularization on par with their seniors, who have been promoted on 23.07.2012 from the panel. If a junior to the petitioner has joined in the promotional post, then the rule provides to refix the seniority of the



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seniors on par with the junior date of promotion. In the instant case that the persons, who have been promoted are admittedly seniors to the petitioner and therefore, the petitioners cannot seek retrospective regularization on par with their seniors. Therefore, the claim of the petitioners is untenable. The contention that the Inter-Se-Seniority list has been prepared and communicated, and superintendent in a hurried manner is not correct. The Hon'ble Division Bench of the Madurai Bench of Madras High Court has directed in W.A.(MD).No.1348 of 2018 and etc., batch dated 06.09.2019 to release the Inter-Se-Seniority list, receive objections if any, from the employees concerned and thereafter publish the Panel. Pursuant to the orders of the Hon'ble Division Bench, the inter-se-seniority list had been prepared and communicated. Objections were received and the said objections were considered and thereafter, the Panel was published based on the Inter-Se-Seniority list.

6. This being the facts and circumstances, the petitioners have to point out the name of the Junior and his service particulars to establish their case. Without impleading those juniors and furnishing their service particulars, the Court may not be in a position to grant retrospective regularization of Inter-Se-Seniority list.



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7. In the present case, pursuant to the orders of the Hon'ble Division Bench of this Court in W.A.(MD).No.1348 of 2018 and etc., batch dated 06.09.2019, opportunity was granted to the employees to submit their objections and on receipt of those objections, the final list of seniority was published. Consequently, the final list was prepared and original eligible persons were promoted.

8. This being the factum, in the absence of any such specific details regarding the persons, who were promoted to the post of Superintendent, who were juniors to the petitioners, the Court will not be in a position to consider the claim of the petitioners. Thus, the petitioners have not established any specific case for revision of seniority.

9. In view of the above, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index:Yes/No
Speaking order/Non-speaking order
rgm/nti



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S.M.SUBRAMANIAM, J.

rgm/nti

To

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