



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2022

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos. 5689 and 5690 of 2020

and

W.M.P. (MD) Nos. 4963, 4964, 4961 and 4962 of 2020

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R.Murugesh Babu ... Petitioner in
W.P. (MD) No. 5689 of 2020

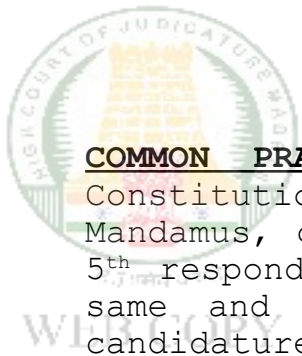
C.P.Senthilkumar ... Petitioner in
W.P. (MD) No. 5690 of 2020

-Vs-

1. The Govt. of Tamil Nadu,
Represented by its Principal Secretary to Government,
Animal Husbandry, Fisheries & Dairy Development
Department,
Secretariat, Fort St. George, Chennai-600 009.
2. The Secretary to Government of Tamil Nadu,
Personnel and Administrative Reforms Department,
Secretariat, Fort St. George, Chennai-600 009.
3. The Tamil Nadu Public Service Commission,
Represented by its Secretary,
Frazer Bridge Road, Chennai-600 003.
4. The Commissioner / The Director,
Milk Production and Dairy Development Department,
Chennai-600 051.
5. The Addl. Milk Commissioner,
Milk Production and Dairy Development Department,
Chennai-600 051.
6. The Deputy Milk Commissioner,
Milk Production and Dairy Development Department,
Chennai-600 051. ... 1st to 6th Respondent in
both petitions
7. A. Alagar Raja
8. S. Murugan
9. P. Ramachandran
10. M. Ramamoorthy ... 7th to 10th Respondents in
WP (MD) No. 5689 of 2020

(R7 to R10 is impleaded vide Court dated 20.03.2020 in W.M.P. (MD)
No. 5118 of 2020 in W.P. (MD) No. 5689 of 2020)

<https://hcservices.ecourts.gov.in/hcservices/>



COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records related to the proceedings of the 5th respondent dated 13.03.2020 in R.C.No.01/D1/2020 and quash the same and consequently, direct the respondents to consider the candidature of the petitioner by filling up the vacancies in the post of Co-operative Sub Registrar by granting promotion after completing the statutory procedure prescribed under the Tamil Nadu Government Servants (Conduct of Service) Act, 2016, including the publication of a seniority list.

For Petitioner : Mr.N.Dilip Kumar
(in both W.Ps.)
For R1, R2 & : Mr.D.Sadiq Raja,
R4 to R6 Additional Government Pleader.
(in both W.Ps.)
For R3 : Mr.J.Anand Kumar
For R7 to R10 : Mr.S.Ramasamy
in WP (MD) No.5689 of 2020

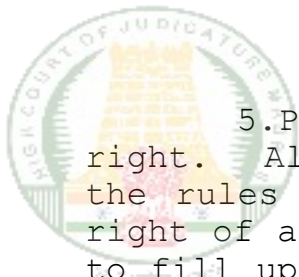
COMMON ORDER

The panel of Senior Inspectors fit for promotion as Co-operative Sub-Registrars as on 01.01.2020, dated 13.03.2020, is under challenge in the present Writ Petitions.

2.The approved list of Senior Inspectors fit for promotion is questioned by the petitioners on several grounds. However, the impugned panel was issued by the competent authority on 13.03.2020 and the validity of the panel is one year as per the provisions of the Tamil Nadu Government Servants (Condition of Service) Act, 2016 (hereinafter referred to as 'the Act').

3.In this regard, it is relevant to consider Section 7 of the Act and the proviso clause to Section 7 of the Act unambiguously stipulates that "*list of approved candidates for appointment by promotion and by recruitment by transfer to all the categories of posts in the State and Subordinate Services shall be prepared annually against the estimated number of vacancies expected to arise during the course of a yearThe list of approved candidates, so prepared, shall be in force for a period of one year only and shall lapse at the end of the year.*"

4.When Section 7 of the Act unambiguously stipulates that validity of the panel / approved list shall be one year and it was lapsed at the end of the year, there is no reason to consider other grounds raised by the writ petitioners, as the order impugned as of now is not of force and cannot be acted upon.



5. Promotion *per se* cannot be claimed as a matter of absolute right. All promotions are to be made strictly in accordance with the rules in force. Consideration for promotion is a fundamental right of an employee. Thus, administrative decision is to be taken to fill up the promotional post by the competent authorities and if any such decision is taken, then the panel is to be prepared by considering all the names of the employees, who are all working in the feeder category and eligible persons should be found for such promotion to the higher post.

6. It is needless to state that the names of the eligible persons are to be considered, including the petitioners, as the consideration for promotion is a right. Thus, at the time of preparation of a fresh panel, the authorities competent are bound to follow all the promotion rules scrupulously. Accordingly, these Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (PROTOCOL)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

Myr

To

1. The Principal Secretary to Government,
Govt. of Tamil Nadu,
Animal Husbandry, Fisheries & Dairy Development Department,
Secretariat, Fort St. George, Chennai-600 009.
2. The Secretary to Government of Tamil Nadu,
Personnel and Administrative Reforms Department,
Secretariat, Fort St. George, Chennai-600 009.
3. The Commissioner / The Director,
Milk Production and Dairy Development Department,
Chennai-600 051.
4. The Addl. Milk Commissioner,
Milk Production and Dairy Development Department,
Chennai-600 051.
5. The Deputy Milk Commissioner,
Milk Production and Dairy Development Department,
Chennai-600 051.



6. The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
Chennai-600 003.

WEB COPY

+1 CC to M/s.S. RAMASAMY, Advocate (SR-19445[F] dated 19/04/2022)

+1 CC to M/s.J. AJANDKUMAR, Advocate (SR-19640[F] dated
20/04/2022)

+1 CC to M/s.SPL.GP. (SR-19755[F] dated 20/04/2022)

+1 CC to M/s.N. DILIPKUMAR, Advocate (SR-19903[F] dated
20/04/2022)

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RK(28/04/2022) 4P 11C