



W.P(MD)No.11400 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11400 of 2020

and

W.M.P.(MD)No.9975 of 2020

V.Seetharaman

... Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by its Principal Secretary,
Finance Department,
Fort St.George, Chennai-600 009.

2.The Commissioner of Treasuries and Accounts /
Principal Secretary,
3rd Floor, Integrated Office Complex
for Finance Department,
Veterinary Hospital Campus,
Nandanam, Chennai.

3.The Director of Social Welfare,
II Floor, Panagal Building,
Saidapet, Chennai.

4.R.Venkatesan,
Chief Accounts Officer,
SIDCO, Guindy,
Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to call for the



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records pertaining to the impugned orders passed by the 2nd respondent in Rc.No.37053/17/A3, dated 06.02.2018 and Rc.No. 21080/19/A3, dated 26.09.2019, quash the same and direct the 2nd respondent to place the petitioner ahead of the 4th respondent in the seniority panel.

For Petitioner : Mr.M.Saravanan
For R1 to R3 : Mr.A.K.Manikkam
Special Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for R1 to R3.

2. Even though the fourth respondent has been served and his name is printed in the cause list, he has not chosen to enter appearance.

3. The petitioner joined the Social Welfare Department as Typist on 28.05.1990. He was appointed through TNPSC. The learned Special Government Pleader draws my attention to the entry level seniority list dated 01.11.2001 issued by the Commissioner of Social Welfare Department, Chennai. It can be seen therefrom that the writ petitioner is shown at Serial No. 665. The petitioner was promoted as Assistant on 30.06.1995. He became Superintendent on 27.06.2003. As per Tamil Nadu State Treasuries and



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Accounts Services Special Rules, the post of Assistant Account Officer can be filled up by transferring the Superintendents from the other department.

4. The petitioner gave his option and joined the Treasuries Department as Account Officer on 05.04.2009. His grievance is that the fourth respondent herein namely R.Venkatesan was erroneously placed above him in the seniority list maintained by the Treasuries Department. As a result, the fourth respondent has stolen a march over him in the matter of promotion to the post of Joint Director. The petitioner has been complaining right from the year 2011 onwards. According to the petitioner, R.Venkatesan was appointed on compassionate ground as Junior Assistant on 16.10.1990. He became Assistant on 16.12.1996. He became Superintendent on 03.07.2003. He joined the post of Assistant Account Officer on 30.04.2010. The comparative table has been enclosed at Page No.56 of the typed set of papers. A mere look at the same would indicate that R.Venkatesan / R4 was always a step behind the petitioner. The fourth respondent has not appeared before me to controvert the factual assertion made by the petitioner. In any event, as rightly pointed out by the learned Special Government Pleader, what clinches the issue is that in the entry level seniority list issued as early as on 01.11.2001, while the petitioner is figuring at Serial No.665, R.Venkatesan / R4 herein is figuring at Serial No.



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682. When the petitioner approached the Treasuries Department for rectifying this error, he was asked to knock the doors of the Social Welfare Department which is the parent department. But the parent department washed its hands off taking umbrage behind fire accident which is said to have taken place in the year 2012. The Social Welfare Department pleaded that the relevant records are not available. Therefore, they are not in a position to say anything. However, the matter cannot be left in the lurch.

5. Based on the available records, I come to the conclusion that the petitioner is senior to the fourth respondent. Of-course, confusion appears to have arisen because there was another Venkatesan. However, his initial was "S". He figured at Serial No.510. While S.Venkatesan can rank above the writ petitioner in the seniority list maintained by the Treasuries Department, the fourth respondent has to be necessarily placed below the writ petitioner. The second respondent who is the Head of the Department is directed to issue revised seniority list in the post of Assistant Account Officer by placing the writ petitioner above the fourth respondent. If the fourth respondent got promotion as Joint Director by virtue of his superior rank in the seniority list, then appropriate remedial measures shall also be taken by the second respondent. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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6. The Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes/ No

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To

- 1.The Principal Secretary,
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G.R.SWAMINATHAN, J.

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