



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

W.P(MD)Nos.4664 and 4665 of 2015
and
M.P(MD)Nos.2 and 2 of 2015

1.V.Pandi .. Petitioner
in W.P(MD)No.4664 of 2015

2.R.Selvakumar .. Petitioner
in W.P(MD)No.4665 of 2015

Vs.

The Director,
Local Fund Audit Department,
Kuralagam 4th Floor,
Chennai.

.. Respondent in both cases

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the Respondent vide his proceedings in Na.Ka.No.Pa &Ni.II(5)/998/2014 dated 14.01.2015 and quash the same and consequently direct the Respondent to include the petitioners' name in the annual list prepared for the approved candidates for promotion to the post of Deputy Inspector (Local Fund Audit) for the year 2013-2014 and based on which to consider their promotion to such post within the time stipulation as prescribed by this Court.

In both cases:

For Petitioner : Mr.M.Saravana Kumar

For Respondent : Mr.N.Ramesh Arumugam
Government Advocate (Civil Side)

COMMON ORDER

These writ petitions are filed for writ of Certiorarified Mandamus, to quash the impugned proceedings in Na.Ka.No.Pa &Ni.II(5)/998/2014, dated 14.01.2015 and consequently direct the



Respondent to include the petitioners' name in the annual list prepared for the approved candidates for promotion to the post of Deputy Inspector (Local Fund Audit) for the year 2013-2014 and based on which to consider their promotion to such post within a time frame.

WEB COPY

2. The petitioners in these writ petitions joined the respondent department as Junior Assistant through Tamilnadu Public Service Commission in the year 2001. The respondent department has separate Rules called "Special Rules for Tamilnadu Local Fund Audit Subordinate Service Rules". The next avenue for promotion is the Assistant Inspector (Local Fund Audit). The petitioners seeking to be promoted as Deputy Inspector (Local Fund Audit) and the petitioners are qualified and have undergone examination, namely, "Subordinate Account Service Examination Part I & II" and are fully qualified for promotion to the next cadre. The post of Assistant Inspector would be filled up in two modes. One by direct recruitment and the other by transfer and promotion from the eligible candidates.

3. In the year 2008-2009, a seniority list was drawn and the petitioners' name were included in the list and the petitioners were promoted as Assistant Inspector (Local Fund Audit) vide Proceedings dated 07.01.2010. After completion of two years probationary period and the examination in Part I & II, the petitioners are qualified to seek promotion for the next cadre, namely, Deputy Inspector (Local Fund Audit).

4. The grievance of the petitioners is they were not promoted inspite of their qualifications and the petitioners submitted a representation to the respondent and the petitioners' promotion was denied vide impugned order, dated 14.01.2015. In the impugned order, it is stated that the petitioners' name will be considered under the panel of 2011-2012 and so far, the panel has not been prepared. However, the petitioners claim that they have been promoted as Assistant Inspector (Local Fund Audit) in the year 2010 itself and they are eligible to be considered for the next promotion and their names ought to be included in the panel of the year 2010-2011. In this regard, the petitioners rely on a clarification letter, dated 03.03.2014 issued by the respondent, wherein it has been clarified to take up the vacancies for the year 2010 and prepare a panel.

5. Considering the above facts and circumstances, this Court set aside the impugned order dated 14.01.2015, directing the respondent to consider the case of the petitioners in the light of the Clarification letter, dated 14.12.2009, if the petitioners are eligible for promotion as per rules prevailing, then the respondents shall consider to grant promotion.



6. Accordingly, these writ petitions are disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Director,
Local Fund Audit Department,
Kuralagam 4th Floor,
Chennai.

+2 CC to M/s.M.SARAVANA KUMAR, Advocate(SR-693[F] dated 07/01/2022)

+1 CC to M/s.SPL.GP (SR-608[F] dated 06/01/2022)

W.P(MD)Nos.4664 and 4665 of 2015
05.01.2022

MGJ(28.01.2022) 3P 5C