



W.P.No.29888 of 2011

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 28.11.2023

CORAM :

**THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.29888 of 2011  
and M.P.No.1 of 2011

S.Chockalingam

.. Petitioner

**Versus**

1. The Government of Tamil Nadu,  
Rep. by its Deputy Secretary,  
Handlooms, Handicrafts, Textiles & Khadi  
(G1) Department,  
Secretariat, Chennai - 9.

2. The Director of Sericulture,  
Salem - 1.

.. Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in connection with (1) Govt. Lr. No.9932/G1/2010-2, dated 25.11.2010 (2) G.O.Ms.No.98/H.H.T. & K.(G1) Department, dated 02.07.2007 and (3) G.O.Ms.No.100, H.H.T.& K.(G1) Department, dated 03.07.2007 and quash the same to the limited extent of deleting the name of the petitioner from the panel for the year 2005-06 and reverting him as Assistant Director of Sericulture and to direct the respondents herein to reckon the period of services of the petitioner with effect from 17.06.2005



W.P.No.29888 of 2011

till 31.07.2010 AN in the post of Deputy Director of Sericulture and as Joint Director of Sericulture with effect from 31.07.2010 AN till 31.03.2011 and to regularize his services in the post of Deputy Director of Sericulture from 24.07.2006 to 31.07.2010 AN and in the post of Joint Director of Sericulture with effect from 31.07.2010 AN till the date of his retirement for all purposes and grant him all consequential pay & allowances, service and monetary benefits including pensionary benefits.

For Petitioner : M/s.T.Subhiksha  
for M/s.Priya Ravi & T.Dharani

For Respondents : Mr.T.K.Saravanan,  
Government Advocate

### **ORDER**

This Writ Petition is filed for the following reliefs :-

(i) to call for the records in connection with (1) Govt. Lr. No.9932/G1/2010-2, dated 25.11.2010; (2) G.O.Ms.No.98/H.H.T. & K.(G1) Department, dated 02.07.2007; (3) G.O.Ms.No.100, H.H.T.& K.(G1) Department, dated 03.07.2007 and quash the same to the limited extent of deleting the name of the petitioner from the panel for the year 2005-2006 and reverting him as Assistant Director of Sericulture; (ii) to direct the respondents herein to reckon the period of services of the petitioner with effect from 17.06.2005 till 31.07.2010 AN in the post of Deputy Director of



W.P.No.29888 of 2011

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Sericulture and as Joint Director of Sericulture with effect from 31.07.2010 AN till 31.03.2011 and (iii) to regularize his services in the post of Deputy Director of Sericulture from 24.7.2006 to 31.07.2010 AN and in the post of Joint Director of Sericulture with effect from 31.07.2010 AN till the date of his retirement for all purposes and grant him all consequential pay & allowances, service and monetary benefits including pensionary benefits.

2. The grievance of the petitioner is that originally, there were two vacancies for the post of Deputy Director of Sericulture for the year 2005-2006. The petitioner's seniority was at Serial No.4. Since two other persons above him were not considered in view of charge memo pending against them, the petitioner's name was included in the panel. In the meanwhile, as a matter of fact, the petitioner was discharging the duties of the post of Deputy Director of Sericulture also which post was vacant. He was continuously holding the said post on incharge basis for about four years.

3. After confirming the panel, one *S.Padmanaban*, who was senior to the petitioner, whose name was not included in the panel on account of the pendency of charge memo under Section 17(b) of the *Tamil Nadu Civil*



W.P.No.29888 of 2011

WEB COPY

*Services (Discipline and Appeal) Rules*, filed a Writ Petition on the ground that subsequently, the charges against him were dropped and therefore, requested for reconsideration of the issue. The Writ Petition filed by him was disposed of with a direction to the respondents to reconsider the issue. On the basis of it, G.O.Ms.No.98/H.H.T. & K.(G1) Department, dated 02.07.2007 was issued, whereby, the name of the petitioner, who is junior to the said *Padmanaban*, was removed and in his place, the name of the said *S.Padmanaban*, was included.

4. The grievance of the petitioner is that he was discharging his duties in the post of Deputy Director of Sericulture during the years 2005-2010. In fact, the Government was considering the case of the petitioner also. However, before the same could be considered, the petitioner superannuated from service with effect from 31.03.2011 and thus, the entire exercise caused grave prejudice to the petitioner and therefore, seeks for the above reliefs.

5. On a perusal of the records and the counter-affidavit filed on behalf of the respondents, it can be seen that the petitioner was not superseded.



*W.P.No.29888 of 2011*

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His seniors' case was passed over on account of pendency of the charge memo and even before the promotion was effected pursuant to the panel for the year 2005-2006, disciplinary proceedings were dropped and consequently, the panel was reviewed and the petitioner's name was dropped. Therefore, the petitioner cannot have any grievance as he was not superseded by any junior.

6. The second grievance of the petitioner is relating to his discharging of duties to the post of Deputy Director of Sericulture. Merely because the post of Deputy Director of Sericulture was vacant and the petitioner was also discharging the said duties of the higher post, that by itself will not entitle him to challenge the impugned orders. It can be seen that only upon reversion as Assistant Director of Sericulture, he was since transferred, but, however, made incharge of the post of Deputy Director of Sericulture at Madurai. Thereafter, his case could be considered for regular promotion only for the year 2007-2008 and as per G.O.(Ms).No.66, H.H.T & K. Department, dated 20.05.2010, his name was included in the panel and he was thereafter promoted with effect from 2010 and he retired from service in the year 2011.



W.P.No.29888 of 2011

WEB COPY

7. Accordingly, I find that no substantive right of the petitioner, in the form of seniority or in any other manner, is violated. The Court cannot grant redress to the petitioner merely on the ground that he was actually performing the duties in the higher post having been made incharge.

8. Finding no merits, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.11.2023

Index : yes  
Speaking order/Non-speaking order  
Neutral Citation : yes/no  
grs

To

1. The Deputy Secretary,  
Handlooms, Handicrafts, Textiles & Khadi  
(G1) Department,  
Secretariat, Chennai - 9.
2. The Director of Sericulture,  
Salem - 1.
3. The Public Prosecutor,  
High Court of Madras.



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*W.P.No.29888 of 2011*

**D.BHARATHA CHAKRAVARTHY, J.**

grs

W.P.No.29888 of 2011  
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