IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.2345 to 2351 of 2015
and M.P.No. 2 of 2015 (7 Nos)

W.P.No.2345 of 2015 :-

N.Dhanasekar ...Petitioner

-Vs-

1. The District Treasury Officer,
District Treasury,
Vellore,
Vellore District.

2. The Director of Treasuries
and Accounts,
Chennai – 15.

3. The Government of Tamilnadu,
Rep. by its Principal Secretary,
Treasuries and Accounts Department,
Chennai.

4. M.Poonguzhali,
Superintendent,
District Treasury,
Vellore,
Vellore District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent in Rc.Pdl.No.182/13/N1 dated 29.09.2014 and the consequential promotion and posting orders in Rc.No.39684/14/NI-20 dated 30.09.2014 and to quash the same and consequently direct the respondents to give promotion to the petitioner to the post of Accountant with effect form the date when it was due retrospectively and thereby include his name in the appropriate place in the panel of Accountant for promotion to the post of Superintendent with all consequential service and monetary benefits.

In all W.Ps.

For Petitioner : No appearance

For Respondents
For R1 to R3 : Mr.V.Veluchamy
Additional Government Pleader
For R4 : Mr.V.Balaji
For Mr.P.Krishnan

COMMON ORDER

All these writ petitions have been filed challenging the panel of seniority list dated 29.09.2014 and consequential promotion and posting order dated 30.09.2014, and also to direct the respondents to give promotion to the petitioners to the post of Accountant.

2. The petitioners were posted as Junior Assistant in the District Treasury. They passed necessary departmental tests viz., account test for subordinate officers part I, account test for subordinate officers part II and Tamilnadu government office manual test during the month of May and December in the year 2004 to 2008. However, they were not included in the promotion panel for the post of Accountant, on the ground that they have not attended the Bhavanisagar civil service training and the government has not passed order declaring the completion of their probation.

3. According to the petitioners, as per G.O.(2D)No.83, Finance (Treasuries Account-2) Department dated 18.08.2009, their service was regularized from the date of their joining in the said post. Thereafter, they also completed the fundamental training meant for Junior Assistants in the government servant training institute at Bhavanisagar. Though they made repeated representation to the respondents demanding for their promotion retrospectively to the post of Accountant, without considering the same, impugned seniority list was published and consequentially passed promotion order. The petitioners raised ground that they were

sent to Bhavanisagar training center belatedly due to administrative reasons and non declaration of probation in the post of Junior Assistant on the ground of non completion of Bhavanisagar training cannot be put against them.

4. On perusal of counter revealed that no junior had been promoted before the petitioners' promotion, since the petitioners service have been regularized by the government only on 18.08.2009 vide G.O.Ms.No.2(D)83 P & AR. Further the petitioners were appointed based on the judgment of the Hon'ble Supreme Court of India, as such their regularization was not made by the first respondent herein. Thereafter those who are appointed in the special category was regularized as special case. Since there was a delay in that processes, it cannot be taken for consideration. Based on the service of the petitioners, they were regularized with effect from 18.08.2009 in the post of Junior Assistant as per the said Government Order.

5. Further the government had relaxed the rule of age criterion as per Rule 28 of Tamil Nadu Government State Subordinate Service

Rules and also relaxed the rule of reservations as per Rule 26 of the said Rules. The general Rule 23(a)(ii) was also relaxed for receiving the monetary benefits. Further, the service benefits i.e., seniority and promotion etc., of the petitioners were not found place anywhere in the said Government Order. Therefore, their eligibility to hold the post of Accountant commenced only from the year 2010, as such their request to include their name in the seniority panel from the year 2007 cannot be considered.

6. Considering the above facts and circumstances, this Court finds no infirmity or illegality in the order passed by the second respondent and all the writ petitions are devoid of merits and liable to be dismissed. Accordingly all the Writ Petitions are dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to cost.

21.07.2023

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order

rts

G.K.ILANTHIRAIYAN. J,

rts

To

1. The Principal Secretary,
   Government of Tamilnadu,
   Treasuries and Accounts Department,
   Chennai.

2. The Director of Treasuries
   and Accounts,
   Chennai – 15.

3. The District Treasury Officer,
   District Treasury,
   Vellore,
   Vellore District.

4. The Superintendent,
   District Treasury,
   Vellore,
   Vellore District.

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