



WEB COPY

W.P.No.9888 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.9888 of 2012

and

M.P.Nos.1 and 2 of 2012

M. Thayabaaan

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by the Secretary,
Finance (Co-operative Audit) Department,
Fort St. George, Chennai – 600 009.

2. The Director of Co-operative Audit,
Tamil Nadu Slum Clearance Board Complex,
Kamarajar Salai, Chennai – 600 005.

3. Mr. N.Natarajan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to the first respondent's order made in G.O (Ms) No.87, Finance (Co-operative Audit) Department dated 26.03.2012, to quash the same insofar as the inclusion of the third respondent at Sl.No.3 is concerned and to consequently, direct the first respondent to include the petitioner in the said place and to extend all consequential benefits such as promotion as Joint Director of Cooperative Audit and other accrued service benefits, including revised pay, revised pension and pensionary benefits.

For Petitioner

: Mr. L.Chandarkumar



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For Respondents : Mr. K.Surendran,
Additional Government Pleader
ORDER

This Writ Petition has been filed seeking a Writ of Certiorarified Mandamus, calling for records relating to G.O (Ms) No.87, Finance (Co-operative Audit) Department dated 26.03.2012, to quash the same and also sought for a consequential direction to extend all consequential benefits such as promotion and other benefits.

2. Through the impugned Governmental order in G.O (Ms) No.87, Finance (Co-operative Audit) Department dated 26.03.2012, the requirement of completing three years of service for considering the case of the third respondent for promotion to the post of Joint Director of Co-operative Audit was relaxed by the Government in the exercise of its power under Rule 48 of the General Rules and thus the requirement of Rule 6(b) of Adhoc Rules was relaxed in respect of the third respondent. The petitioner herein claiming to be a candidate eligible for promotion to the post of Joint Director of Co-operative Audit approached this Court by challenging the said Governmental order issued in favour of the third respondent.



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3. The second respondent has filed counter-affidavit stating that the case of the third respondent was considered for promotion along with the petitioner by virtue of relaxation granted under the impugned Governmental order and finally, the promotions were effected only on 15.06.2012 by which date the petitioner had already attained the age of superannuation i.e., by 30.04.2012 and hence, the case of the petitioner could not be considered for promotion.

4. In the light of the fact that the case of the petitioner could not be considered for promotion as he was not in service as on the date of effecting actual promotions, this Court is of the considered view that the petitioner has no *locus standi* to question the impugned Governmental Order and is not inclined to interfere with the impugned Governmental order issued in favour of the third respondent conferring certain benefit of relaxation of rule 6(b) of the Adhoc Rules.

5. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous Petition, if any, shall stand closed.

skr

28.11.2023



Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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To

1. The Secretary,
Finance (Co-operative Audit) Department,
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MUMMINENI SUDHEER KUMAR, J.

skr

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