IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM:

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.26133 of 2021

S.Geetha ... Petitioner

/vs/

1. The Secretary to Government,
   Finance Department (T&A),
   Secretariat,
   Chennai – 600 009.

2. The Principal Secretary / Commissioner,
   Department of Treasuries and Accounts,
   Integrated Complex for Finance Department,
   3rd Floor, Veterinary Hospital Campus,
   Anna Salai, Nandanam,
   Chennai – 600 035.

3. The District Treasury Officer,
   Office of the District Treasury Office,
   Villupuram District,
   Villupuram – 605 602. ... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarifed mandamus to call for the records relating to the order dated 03.05.2021 of the second respondent in Rc.No.38409/2020/N1 and quash the same and consequently direct the respondents to promote the petitioner to the post of Superintendent/STO/ASTO by placing the name of the petitioner under V.Malarvizhi, who is her immediate senior in the 2010-2011 panel list for the promotion to the post of Superintendent/STO/ASTO and to the post of the Assistant Treasury Officer and Accounts Officer of the year 2015 to 2016 and 2018 to 2019 respectively with all attendant benefits.

For Petitioner ... Mr.C.Santhosh Kumar

For Respondents ... Ms.P.Rajarajeswari
Government Advocate

ORDER

The petitioner who is aggrieved due to non-inclusion of her name in the promotion panel during the year 2010-2011 had filed this writ petition to place her in the said panel by restoring her seniority for the purpose of future promotions.

2. According to the learned Government Advocate, the petitioner has joined as an Accountant on 29.03.2006 and hence she has to be placed in the panel for the year 2005-2006 in the cadre of accountant.

3. But the claim of the petitioner is that on 07.02.2014 the third respondent has passed a proceeding by re-looking her seniority in the cadre of Accountant in view of the representation given by the petitioner. Thereby the petitioner's name has been included in the panel of Accountant and her seniority has been fixed as 6/2004 instead of 3/2005. Had the petitioner was kept in Accountant panel of the year 2004 – 2005, she would have been included in the promotion panel of the year 2010-2011. But in the impugned proceedings it has been stated that in 2010-2011 Accountant panel, persons who have joined as Accountant on or before 30.09.2004 alone have been included.

4. In the 2011-2012 Accountant panel the last joining date was up to 20.03.2006. Considering the petitioner's date of joining as 29.03.2006, her name was contemplated to be included in the next 2012-2013 Accountant panel but the petitioner had suffered a punishment of Censure. Her name was not included in 2012 – 2013 Accountant panel and she has been included in 2013 – 2014 panel list and got promoted.

5. Now the grievance of the petitioner is that had her original seniority in the accountant panel list corresponding to the year 2004 was kept intact, instead of 2006, she would have got her promotion in the cadre of Sub-Treasury Officer in the year 2010 to 2011.

6. Now the fact remains that the petitioner has not challenged the said proceeding. Even though the respondents have stated that the earlier proceeding dated 07.02.2014 which enabled the petitioner's seniority in the post of Accountant in the year 2004 (6/2004), that has been subsequently found to be the fault of an Officer who passed the proceedings. However the said proceedings was neither cancelled nor a new proceedings has been passed so far. Even the consideration of petitioner's date of joining i.e. 29.06.2006 as her seniority in the cadre of accountant has also been done without giving any notice to the petitioner.

7. The petitioner has not claimed any monetary benefit by virtue of restoring the seniority to the year 2004 in the cadre of Accountant from the year 2006 in pursuant to the proceedings dated 07.02.2014. Her only claim

is that had her seniority so given was not disturbed, she would have got the next promotion earlier and intervening punishment of Censure would not have affected her carrier progress. Hence, I feel it is appropriate for the petitioner to give a proper representation to the respondents and the respondents to make proper enquiry about the proceedings dated 07.02.2014 and pass appropriate orders before giving promotion to the Accounts Officer which is supposed to be the next promotion post from the present cadre of the petitioner as Sub-Treasury Officer.

8. In view of the reasons stated above, this Writ Petition is disposed by directing the respondents to consider the representation of the petitioner to be made and make proper enquiry about the proceedings dated 07.02.2014 and pass appropriate orders before giving promotion to the Accounts Officer which is supposed to be the next promotion post from the present cadre of the petitioner as Sub-Treasury Officer. It is up to the petitioner to give proper representation to the respondents.

19.10.2023

Index: Yes / No
Speaking order / Non-speaking order
bkn

R.N.MANJULA ,J.

bkn

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