



W.P.No.6851 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM:

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

W.P.No.6851 of 2024

R.Parthasarathy

...Petitioner

-Vs-

1. The State of Tamil Nadu,
represented by its Secretary to Government,
Human Resources Management Department,
Fort St.George, Secretariat,
Chennai 600 009.

2. The State of Tamil Nadu,
represented by its Additional Chief Secretary
to Government,
Environment Climate Change
and Forests Department,
Fort St.George, Secretariat,
Chennai 600 009.

3. The Principal Chief Conservator of Forests,
(Head of Department),
Velachery Main Road,
Guindy,
Chennai 600 032.

... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to pass orders for granting promotion to the petitioner to the post of Senior System Manager (SSM) on adhoc basis in consideration of representation submitted by the petitioner dated 18.11.2022 and 03.03.2023 immediately prior to the retirement of petitioner with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents : Dr.T.Seenivasan
Special Government Pleader

ORDER

This writ petition has been filed for direction directing the respondents 1 and 2 to pass orders for granting promotion to the petitioner to the post of Senior System Manager (SSM) on adhoc basis in consideration of representation submitted by the petitioner dated 18.11.2022 and 03.03.2023 immediately prior to the retirement of petitioner with all consequential and other attendant benefits.

2. Heard the learned counsel on either side and perused the materials available on record.



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3. The petitioner was initially appointed as Steno-Typist Grade III in Forest Department on 04.06.1990. Thereafter, he was promoted to the post of Statistical Inspector and subsequently, promoted to the post of Statistical Officer on 17.02.2016. Based on the seniority and eligibility, he was promoted to the post of System Analyst on 24.06.2019. As per G.O.Ms.No.189, Environment and Forest Department dated 26.11.2013, the next avenue of promotion is to the post of Senior System Manager. There are two posts of Senior System Manager available in the Forest Department. However, the service rules for the post of Senior System Manager have not been framed by the Government so far and it is pending for consideration.

4. The learned Senior Counsel appearing for the petitioner submitted that whenever vacancy arises to the post of Senior System Manager, the same was filled up by the eligible persons working in the feeder post of System Analyst by promotion on adhoc basis. Now, the post of Senior System Manager is lying vacant, due to the retirement of one N.R.Govarthanan. The second post of Senior System Manager is also



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lying vacant due to the retirement of one V.Sundaram. Therefore, the petitioner submitted representation to consider the case for promotion to the post of Senior System Manager on adhoc basis.

5. The learned Special Government Pleader appearing for the respondents on instructions, submitted that a draft adhoc rules for the post of Senior System Manager by including the feeder category of the post System Analyst was sent to Government. The said proposal has been examined in consultation with Tamil Nadu Public Service Commission and informed that it would not be appropriate to offer the Commission's views for the post of Senior System Manager without framing the adhoc rules for the post of System Analyst which is the feeder category for the post of Senior System Manager. Therefore, the proposal was sent to Government for amending adhoc rules for the post of System Analyst, Programmer and Assistant Computer Programmer. Now, it is pending with the Government for framing rules.

6. In view of the above facts and circumstances of the case, the



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respondents are directed to frame adhoc Rules for the post of Senior System Manager and System Analyst in Tamil Nadu Forest Service, within a period of eight weeks from the date of receipt of a copy of this order. Thereafter, the request made by the petitioner may be considered on merits and in accordance with law, within a period of four weeks thereafter. If the adhoc Rules are not framed, the third respondent is directed to consider the case of the petitioner for promotion to the post of Senior System Manager on adhoc basis, forthwith.

7. With the above directions, this writ petition is disposed of.

There shall be no order as to costs.

14.03.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

mn

G.K.ILANTHIRAIYAN. J.



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To

1. The Secretary to Government,
The State of Tamil Nadu,
Human Resources Management Department,
Fort St.George, Secretariat,
Chennai 600 009.
2. The Additional Chief Secretary
to Government,
The State of Tamil Nadu,
Environment Climate Change
and Forests Department,
Fort St.George, Secretariat,
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3. The Principal Chief Conservator of Forests,
(Head of Department),
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