



W.P.No.12706 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM:

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

W.P.No.12706 of 2020
and W.M.P.Nos.15699, 15700, 15701, 15704, 18766 of 2020
and 11267 of 2021

1. V.Rajeswari
2. J.Karthikeyan
3. N.Murugesan
4. V.Umamageshwari
5. B.Parthasarathy

...Petitioners

-Vs-

1. Government of Tamil Nadu,
represented by its Additional Chief Secretary,
Municipal Administration and Water Supply
(MC-5) Department,
Secretariat, Chennai – 600 009.
2. The Commissioner of Municipal Administration,
Chennai – 600 028.
3. The Commissioner,
Salem Corporation, Salem.
4. N.Kuzhanthaivelu

... Respondents



W.P.No.12706 of 2020

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records of the respondents, pertaining to the impugned Government Order of the first respondent in G.O.(D).No.289, Municipal Administration and Water Supply (MC-5) Department, dated 26.08.2020 and the impugned Provisional Seniority List published by the third respondent in Na.Ka.No.C2/14872/2017, dated 01.09.2020 and quash the same.

For Petitioners : Mr.E.K.Kumaresan
For R1 and R2 : Mrs.R.L.Karthika
Government Advocate
For R3 : Mrs.N.Devi
Standing Counsel
For R4 : Mr.L.Chandrakumar
for Mr.G.Arumugaraja

ORDER

This writ petition has been filed for the issuance of Writ of Certiorari, calling for the records of the respondents, pertaining to the impugned Government Order of the first respondent in G.O.(D).No.289, Municipal Administration and Water Supply (MC-5) Department, dated 26.08.2020 and the impugned Provisional Seniority List published by the third respondent in Na.Ka.No.C2/14872/2017, dated 01.09.2020 and quash the same.



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

3. The petitioners were appointed as Junior Assistant-cum-Typist. Subsequently, they were promoted as Assistant/Accountant and thereafter, promoted to the post of Superintendent/Assistant Revenue Officer. While being so, the first respondent issued G.O.(D).No.289, Municipal Administration and Water Supply (MC-5) Department, dated 26.08.2020 regulating the period from 23.03.1991 to 18.11.1997, in which, the fourth respondent never worked as qualifying service for pensionary benefits in the post of Typist and directed the third respondent to re-fix the seniority of the fourth respondent. As per the said order, the third respondent by its proceedings dated 01.09.2020 published a provisional seniority list for 2020-2021 for promotion to the post of Administrative Officer/Accounts Officer from the feeder posts of Superintendent/Assistant Revenue Officer, in which the name of the fourth respondent found over and above the names of the petitioners.



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4. The learned Government Advocate appearing for the respondents 1 and 2 and the learned Standing Counsel appearing for the third respondent submitted that the first petitioner has been promoted to the post of Administrative Officer and he had also retired from service as on 31.07.2023. The second petitioner was promoted to the post of Administrative Officer in the year 2022 and he is now working as Administrative Officer. The third petitioner is now working as Superintendent and he is not promoted to the post of Administrative Officer, since he is facing charge for the allegation that he possess disproportionate assets and he is facing Trial. Hence, he is not entitled for promotion to the post of Administrative Officer. The fourth petitioner is now working as Superintendent, since she is not reaching the seniority, she is not promoted to the post of Administrative Officer. Insofar as the fifth petitioner is concerned, he is also working as Superintendent and he is not promoted to the post of Administrative Officer, for the reason that he is facing charge under Section 17B proceedings for the allegation that he illegally appointed several persons against the Rules.



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5. In view of the above, this writ petition is disposed of, with a direction directing the respondents 1 to 3 herein to promote the fourth respondent herein to the post of Administrative Officer, if otherwise he is eligible to be promoted to, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

28.02.2024
($\frac{1}{2}$)

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Additional Chief Secretary,
Government of Tamil Nadu,
Municipal Administration and Water Supply
(MC-5) Department,
Secretariat, Chennai – 600 009.
2. The Commissioner of Municipal Administration,
Chennai – 600 028.
3. The Commissioner,
Salem Corporation, Salem.

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