



WEB COPY

W.P.No.14689 of 2021
and W.M.P.No.15590 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.14689 of 2021
and W.M.P.No.15590 of 2021

S.Rajendran,
S/o.C.Subramaniam (late),
Superintendent,
Office of Assistant Executive Engineer
(Agricultural Engineering),
Maduranthagam - 603 303.
Kancheepuram District.

...

Petitioner

versus

1.Government of Tamilnadu,
Represented by Agricultural Production
Commissioner and Principal Secretary to Government,
Department of Agriculture,
Secretariat, Chennai - 600 009.

2.The Director of Agriculture,
Chepauk, Chennai - 600 005.

...

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 on the file of the second respondent herein, in ESTB.P2/12891/2017 dated 15.04.2019 and quash the same and to direct the respondents to include the name of the petitioner at the appropriate place in the panel of eligible Superintendents for promotion to the post of Administrative Officer for the year 2017-18 and to notionally promote him of his immediate junior with all



consequential and monetary benefits including revised retirement and pensionary benefits in the cadre of Administrative Officer.

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For Petitioner

: Ms.T.Subhiksha
for Mr.M.Ravi

For Respondents

: Mr.T.Chezhiyan
Additional Government Pleader

ORDER

Heard Ms.T.Subhiksha, learned counsel for the petitioner and Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents and perused the materials available on record.

2. The petitioner has filed this Writ Petition, challenging the order dated 15.04.2019 stating that he is entitled to be included in the promotion panel to the post of Superintendent for the year 2017-18.

3. Ms.T.Subhiksha, learned counsel for the petitioner submitted that the petitioner is eligible for promotion to the post of Administrative Officer in the year 2013-14 but due to family circumstances he relinquished his promotion for 3 years and he can be included in the year 2017-2018 panel. But the same was rejected by the 2nd respondent.



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4. Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents submitted that as per Section 57(2) of The Tamil Nadu Government Servants (Conditions of Service) Act, 2016, *“Relinquishment of a right or privilege for a temporary period shall be accepted if it is made for a period of not less than three years, subject to the condition that after the expiry of the said period, the claim of the right or privilege relinquished will be with reference to the state of affairs that exist on the date of expiry of the period of relinquishment and without restoration of original seniority”*.

5. In this regard, the Government Order has been issued in G.O.(D)No.256, Agriculture Department, dated 02.11.2016. It is seen that if 3 years period is calculated from 21.03.2014, 3 years period will conclude on 20.03.2017 and the panel is also for promotion in the year 2017-18.

6. According to Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents, the crucial date for finalising the panel would be 01.09.2016. However, the promotion is only for the year 2017-18. The



fixing of crucial date is just for administrative convenience but the promotion panel is prepared for a specific financial year.

7. Since the petitioner's relinquishment ends by 20.03.2017, the petitioner's name can be included in the promotion panel in the year 2017-18 for the purpose of considering his next level promotion in the cadre of Administrative Officer. So far, the promotion has not been finalised and the petitioner's name can be included in the same panel. Because the panel would be for the promotion to the post of Administrative Officer for the year 2017-18 fell due after the completion of the punishment period.

With the above observation, this Writ Petition **disposed**. No costs. Consequently, connected Miscellaneous Petition is closed.

12.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



To

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R.N.MANJULA, J.

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