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W.P.No.19227 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.19227 of 2020

and

W.M.P.No.23813 of 2020

P.Karpagam

... Petitioner

Vs.

1.The Secretary to Government,
Planning development and Special Initiatives Department,
Fort St.George,
Chennai – 09.

2.The Commissioner,
Department of Economics and Statistics,
DMS Compound,
Chennai – 06.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in connection with the impugned order passed by him in Letter No.6733/puee.3/2011 dated 24.02.2012 and the subsequent order passed by the 2nd respondent in Letter No.60279/C1/2015 dated 07.02.2017 and quash the



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same and further direct the respondents to promote the petitioner as Statistical

Officer and grant such other further relief.

For Petitioner : Mr.K.Venkataraman
Senior Counsel
for Mr.S.Sivakumar

For Respondents : Ms.V.Yamunadevi
Special Government Pleader

ORDER

By the impugned proceedings dated 24.02.2012, the claim made by the petitioner to relax the Rule 47 of Tamil Nadu State and Subordinate Services Rules and permit her to undergo field training as Statistical Inspector for a period of three years was rejected, on the ground that the petitioner has already relinquished her right to undergo such training permanently as contemplated under Rule 47 of the Tamil Nadu State and Subordinate Services Rules. A similar request that was made earlier was already rejected through proceedings dated 21.11.2008. Aggrieved by the said proceedings, the petitioner approached this Court by filing the present writ petition.

2. This court on an earlier occasion after hearing the learned counsel on



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either side for sometime, directed the respondents to produce the original

Service Register of the petitioner as well as proceedings dated 24.05.2002.

Accordingly, the original Service Register of the petitioner is placed before this Court. However, proceedings dated 24.05.2002 and the copy of the application submitted by the petitioner relinquishing the right to undergo field training is not produced on the ground that the said record was destroyed. A perusing of heading of the entry made in the Service Register of the petitioner on 12.06.2002 indicates the petitioner has relinquished the right to undergo field training as Statistical Inspector. But, in the body of the said entry, it is stated that the petitioner has also relinquished her right for promotion to the post of Statistical Officer.

3. It is the specific case of the petitioner that she has relinquished only the field training, but not for promotion by submitting the representation. It is further contended that the said proceedings dated 24.05.2002 under which the request of the petitioner had relinquishment was accepted, was never served upon the petitioner. As a result, as on date except entry made in the Service Register, there is no other material that is available to show that the petitioner has relinquished her right for promotion to the post of Statistical Officer. From the representation dated 03.10.2007, it is noticed that the petitioner has taken a



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specific stand that she has relinquished only three years of field training which is a mandatory requirement for promotion to the post of Statistical Officer.

4. In view of the undisputed fact situation, the petitioner has relinquished her right to undergo field training as Statistical Inspector for a period of three years and the same was accepted by the respondents, the question of considering the claim for permitting her to undergo the field training by relaxing Rule 47 of the Act does not arise.

5. Further, the same request that was made by the petitioner was already rejected by the respondents as early as on 21.11.2008 and 24.2.2012. The same was once again reiterated by the respondents through proceedings dated 07.02.2017. As the petitioner failed to take any steps against the proceedings dated 21.11.2008, till date, the question of interfering with the impugned order does not arise.

6. In the absence of one such material to show that the petitioner has relinquished her right to consider to the promotion of Statistical Officer, especially in the context of the fact that the petitioner has made representation in



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the year 2007 itself to relinquish only for three years of sending her to field training, the contentions of the respondents that they have destroyed the entire records pertaining to request made by the petitioner relinquishing either field training or promotion and the proceedings dated 24.05.2002 cannot be accepted. Therefore, the contention of the respondents that the petitioner has relinquished her claim for promotion itself is liable to be rejected and the same is accordingly rejected.

7. However, the contention of the learned counsel for the petitioner is that, without completing the field training in the cadre of Statistical Inspector, the petitioner is eligible for consideration of her case for promotion to the post of Statistical Officer.

8. According to the learned counsel for the petitioner in terms of Rule 4 of Economics and Statistics Department, in specific, under proviso to Category (1) of the said Rules provides for qualification criteria for promotion to the post of Statistical Officer. Any candidate who has put in an Statistical Inspector, field experience for a period of not less than 3 years on duty in the post of Statistical Inspectors at the block level in any of the District Statistical Units shall be eligible.



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9. According to the learned counsel for the petitioner, as on date the petitioner has put in the said experience as a Statistical Inspector in Block level and therefore the petitioner is eligible for promotion to the post of Statistical Officer. As the petitioner has not put in the said 3 years of field experience and therefore she is entitled to be considered for promotion to the post of Statistical Officer. It is also claimed that under similar circumstances, similarly situated persons who have refused to undergo field training in the cadre of Statistical Inspector for their personal reasons, the Government has permitted such candidates and considered them for promotion to the post of Statistical Inspector by taking into consideration the experience at block level in the cadre of Statistical Inspector by issuing G.O.(Ms).No.314, PD&SI (ST.3) department, dated 07.12.2021 and therefore the petitioner is also entitled for the similar relief.

10. This Court had already concluded that the impugned order need no interference at this strength of time, this Court is of the considered view that the claim of the petitioner for promotion to the post of Statistical Officer by considering her experience at block level in the cadre of Statistical Inspector needs to be considered by the respondent and thereafter it is appropriate to



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permit the petitioner to make such claim by submitting her representation before the concerned respondent and to direct them to consider such representation.

11. In the light of the above, this Court while refusing to interfere with the impugned order, this Writ Petition is disposed of by permitting the petitioner to submit her representation by making a claim for promotion to the post of Statistical Officer by considering her experience at block level in the cadre of Statistical Inspector and in case if such representation is made by the petitioner, the concerned respondent shall consider the same by duly taking into consideration the order passed in G.O.(Ms).No.314, PD&SI (ST.3) department dated 07.12.2021 and pass appropriate orders thereon as expeditiously as possible within a period of eight weeks from the date of submission of representation by the petitioner.

12. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected writ miscellaneous petition is closed.

18.07.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No



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MUMMINENI SUDHEER KUMAR, J.

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