



W.P.No.20593 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM:

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

W.P.No.20593 of 2024
and W.M.P.Nos.22531 and 22532 of 2024

N.Sivakumar

... Petitioner

Vs

1. State of Tamil Nadu,
represented by its Secretary to Government,
Finance (C.A.) Department,
Secretariat, Chennai – 600 009.

2. The Commissioner,
Government Data Centre,
Nandhanam, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent in his proceedings Na.Ka.No.10840/A/2023 dated 04.07.2024 and to quash the same as being illegal and unsustainable in law and for a consequential direction to the respondents to promote the petitioner to the post of Joint Director, Government Data Centre as per the recommendation of the second respondent dated 15.11.2023.

For Petitioner : M/s N.Kavitha Rameshwar
For Respondents : Mr.S.Arumugam



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Government Advocate

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ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 04.07.2024, rejected the request made by the petitioner seeking promotion to the post of Joint Director, Government Data Centre.

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

3. The petitioner was appointed as Punch Operator on 20.06.1997 in the Government Data Centre, Chennai. Thereafter, his service was regularized and he had also successfully completed his probationary period. Subsequently, the petitioner was promoted to the post of Assistant Programmer and thereafter, promoted to the post of Deputy Director on 27.07.2018. As per Government order in G.O.Ms.No.462, Finance (CA) Department, dated 14.06.1995, the Government had upgraded the post of Deputy Director to that of Joint Director. However, due to non availability of a Secondary Grade Officer, the first respondent vide



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G.O.Ms.No.208, Finance (CA) Department dated 27.06.2018 had downgraded the Joint Director post to the existing post of Deputy Director. Therefore, the petitioner submitted a representation seeking promotion to the post of Joint Director. But the said request was rejected without considering the recommendation of the second respondent for the reason that the work of the Deputy Director and the Joint Director post are similar in nature and there is no sanctioned post in the cadre of Joint Director.

4. A perusal of the proceedings dated 15.11.2023, on the file of the second respondent, thereby recommended the first respondent to upgrade the Deputy Director post to the Joint Director post. Further, the pay scale for the post of Deputy Director is Rs.59,300/- - Rs.2,17,600/-. Insofar as the pay scale for the post of Joint Director is concerned, it is Rs.61,900/- - Rs.2,28,100/-. As per G.O.Ms.No.412, Finance Department dated 05.07.1996, if the petitioner completed three years in the post of Deputy Director, he is eligible for the post of Joint Director. As far as the petitioner is concerned, he had already completed six years of service in the post of Deputy Director and as such, the case of the petitioner has to



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be considered as per the recommendation of the second respondent.

5. A perusal of the impugned order dated 04.07.2024 revealed that without considering the above aspect, mechanically rejected the request made by the petitioner.

6. In view of the above, the impugned order cannot be sustained and is liable to be quashed. Accordingly, the proceedings Na.Ka.No.10840/A/2023 dated 04.07.2024 passed by the second respondent, is hereby quashed. It is remanded back to the first respondent for fresh consideration. It is made clear that the first respondent is directed to consider the recommendation of the second respondent dated 15.11.2023 and pass orders on the request made by the petitioner, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition stands allowed. Consequently, connected Miscellaneous petitions are closed. No costs.



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Internet: Yes

Index : Yes/No

Neutral Citation : Yes/No

Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN. J.

mn

To

1. The Secretary to Government,
State of Tamil Nadu,
Finance (C.A.) Department,
Secretariat, Chennai – 600 009.
2. The Commissioner,
Government Data Centre,
Nandhanam, Chennai.

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