



W.P.(MD)No.16237 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.16237 of 2024 &
W.M.P.(MD)Nos.14110, 14112 & 14113 of 2024

Perumal

... Petitioner

vs.

- 1.The Principal Secretary to Government,
Finance Department, Secretariat, Chennai.
 - 2.The Director General of Audit cum
Director of Local Fund Audit,
Local Fund Audit Department,
Audit Secretariat, Perasiriyar Anbalagan Maligai,
4th Floor, Nandanam, Chennai - 600 035.
 - 3.The Joint Director,
O/o.Local Fund Audit Department,
Perasiriyar Anbalagan Maligai,
4th Floor, Nandanam, Chennai - 600 035.
 - 4.The Assistant Director,
O/o.Assistant Director, Local Fund Audit,
Town Hall, Trichy - 620 002.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring that the communication of second respondent in Na.Ka.No. Pa & Ni.I(2)/126/2024 dated 15.07.2024 along with revised seniority list dated 15.07.2024 and its consequential transfer and relieving orders to be passed in pursuant of counselling scheduled to held on 16.07.2024 by the second respondent are



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invalid and void and consequently direct the first respondent to follow the station seniority in the particular post or category for computing the period of three years in terms of G.O.Ms.No.10 P & AR dated 07.01.1994 and the Government Letter No.23847/S/98-1 dated 05.08.1998 and to prepare seniority list afresh and conduct counselling for posts of Inspectors in Local Fund Audit Department by framing specific guidelines in consultation with or approval of appropriate State Government in accordance with Rules.

For Petitioner : Mr.A.R.Kannappan

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

Heard Mr.A.R.Kannappan, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has filed this writ petition to declare the seniority list dated 15.07.2024 released for the purpose of transfer counselling held on 16.07.2024 as null and void and direct the first respondent to follow station seniority for computing the period of three years in terms of the Government Order in G.O.Ms.No.10 P & AR dated



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07.01.1994 and the Government Letter No.23847/S/98-1 dated 05.08.1998 and to prepare seniority list afresh and conduct counselling for posts of Inspectors in Local Fund Audit Department by framing specific guidelines in consultation with or approval of appropriate State Government in accordance with Rules.

3. It is learnt that as per the seniority list prepared on 15.07.2024, counselling was over on 16.07.2024.

4. Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents submitted that the petitioner has also participated in the counselling and opted Trichy Corporation, but, subject to the result of the writ petition.

5. The petitioner has earlier filed a writ petition in W.P. (MD)No.15005 of 2024 challenging the tentative seniority list, whereas, the present writ petition is filed challenging the revised seniority list. However, both the writ petitions have become infructuous in view of the



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fact that the counselling itself has taken place subsequent to the release of the selection list.

6. So far as the guidelines in respect of preparation of list for transfer counselling is concerned, it is learnt that now Tamil Nadu Public Service Commission [hereinafter referred as 'TNPSC'] seniority is adopted for preparing the list.

7. Mr.A.R.Kannappan, learned counsel appearing for the petitioner submitted that station wise seniority has to be taken into consideration and TNPSC seniority has got no relevance.

8. What is learnt in terms of station wise seniority is that if a person has been placed in a particular station and he is in occupation of the seat or station for several years even after his maximum period of three years is completed, again if the seniority list is prepared in accordance with the date on which he has joined in a particular station, then during counselling, the person will be in a better position to opt for



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places nearby to his then placement. That would only encourage the persons to enjoy the same place by depriving other persons who did not stand in the seniority in terms of station wise seniority from preferring the same station. So, it is for the respondents to device some other method and plan in which the seniority list for counselling should be prepared and adopt the same by considering the inequality or grievance of the employees while they participate in the counselling.

9. In this regard, this Court has already observed in the earlier writ petition in W.P.(MD)No.13278 of 2024 dated 21.06.2024 as follows.

"8. In the instant case, the guidelines are silent on the said aspect and that causes the confusion. Even in the list given on 14.06.2024, it has been specifically mentioned that the list is irrespective of the date of appointment. That means the list has been prepared as per the wishes of a person in charge of the affairs but not in accordance with any guidelines. So, in this regard, the respondents are expected to frame guidelines and give clarity to all persons participating in the counselling and release the same well in advance for the next counselling. The individuals who have participated in the transfer counselling for the year 2024 are at liberty to give request for transfer even before their completion of three years and the same shall be considered by the respondents in accordance with merits, as they have been affected in view of lack of proper guidelines."



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10. So, it is for the respondents to take a call and do the needful before the next transfer falls due. Since the petitioner has already given representation by choosing some of the vacancies available at certain places, the respondents shall consider the same and pass appropriate orders.

11. In view of the above observations, the writ petition is **disposed of** and the respondents are directed to consider the representation of the petitioner and pass orders in accordance with law within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

18.07.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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To
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R.N.MANJULA, J.

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