



W.A(MD)No.2034 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

WEB COPY

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.2034 of 2024
and
CMP(MD)No.14695 of 2024**

The District Collector,
Trichirappalli District,
Trichirappalli.

... Appellant

VS.

1. S.Nageswaran
2. The Regional Special Deputy Collector,
Refugee Camp,
Kottappattu,
Trichirappalli (East) Taluk,
Tiruchirappalli.

... Respondents

Prayer : Appeal filed under Clause 15 of Letters Patent, against the order made in W.P(MD)No.19148 of 2018 dated 22.08.2022.

For Appellant	: Mr.P.T.Thiraviam Government Advocate
For R1	: Mr.S.Visvalingam



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JUDGMENT

WEB COPY (Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

The issue that is raised namely, non completion of the training in the post of Record Clerk before seeking promotion is no longer *res integra*. This Court in **Government of Tamil Nadu, Environment and Forest Department vs. K.Anbalagan and others [W.A.No.2682 of 2019, dated 07.07.2021]**, categorically held that the authorities cannot take advantage of the failure on their part to send the employees for training. In doing so, the Division Bench held as follows:

"7. No doubt, the above said Rule 5 stipulates other qualification such as Vaigai Dam (Bhavanisagar) Training as mandatory. However, unless the appellants depute the respondents for such training at the appropriate time, they could not be expected to complete the same. The respondents, who are the employees, may not compel the appellants to depute them for the training. The alleged non completion of the training by the writ petitioners/respondents herein within the stipulated period of not their fault and the same cannot be put against them, dis-entitling them for getting their promotion. It is also pointed out that the juniors to the respondents have marched ahead of them by getting a promotion. Therefore, the contention of the learned State Government Counsel that a person can be promoted based on merit and ability apart from seniority and the departmental promotion committee alone is competent to recommend the person fit for promotion cannot be accepted."



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2. In view of the above pronouncement, we do not see any necessity

to interfere with the order of the learned Single Judge. The Writ Appeal fails and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M, J.) (L.V.G, J.)

21.10.2024

Index : Yes / No
Neutral Citation : Yes / No
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To

1. The District Collector,
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