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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 1816 of 2024

R.Delhi Batcha

... Petitioner

..Vs..

1. The State of Tamilnadu
Rep. by its Principal Secretary
Municipal Administration and Water Supply Department
Secretariat, Chennai – 600 009.
2. Greater Chennai Corporation
Rep. By its Commissioner
Rippon Building, Chennai – 600 003.
3. Deputy Project Co-ordinator
District Family Welfare Bureau/
City Medical Officer/Additional Director
Medical Services Department
3rd Floor, Amma Malaigai
Greater Chennai Corporation
Rippon Building, Chennai – 600 003.

... Respondents



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PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records relating to impugned proceedings in Ma Se Thu Na Ka No.F4/1288/2023 dated 19.06.2023 of third respondent and quash the same as illegal, consequently direct the respondent, notionally promote the petitioner as the deputy communication officer with effect from 01.05.2013 (from the date of vacancy) and grant all monetary benefits which are applicable to the deputy communication officer of the first respondent office together with arrears.

For Petitioner	:: Mr. V.Neethidurai
For 1 st Respondent	:: Mr.K.H.Ravikumar Government Advocate
For RR 2 & 3	:: Mr. S.Gopinathan

ORDER

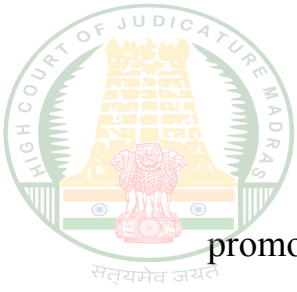
The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to proceedings dated 19.06.2023 issued by the third respondent and quash the same and direct the respondent to notionally promote the petitioner as Deputy Communication Officer with effect from 01.05.2013 and grant monetary benefits which are applicable to



the said post together with arrears.

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2. In the affidavit filed in support of the Writ Petition, it had been contended that the petitioner had been appointed as Computer-cum-clerk on 10.09.1987 in the respondent / Chennai Corporation Office. He had completed his MA Sociology and Diploma in Journalism and Mass Communication. He had also passed Executive Officer Test (department test) conducted by the Tamil Nadu Government. He was thus fully qualified and eligible to be considered for the next promotional avenue, namely, Deputy Communication Officer. But however, his junior Paramasivam, who was appointed as Computer-cum-clerk on 24.04.1990 a good 2 ½ years after the petitioner, had been promoted as Deputy Communication Officer. This led to grievances and W.P.No. 18309 of 2001 had been filed challenging the Government Order by which the said Paramasivam was promoted. An order was passed on 17.06.2008 wherein it had been observed that the promotion should also be afforded to those, who had suffered by the unlawful promotion of the said Paramasivam. At that time, there were only 4 vacancies in the post of Deputy Communication Officer. The petitioner was in seniority No. 6. Therefore, four of the writ petitioners therein had been



promoted to the post of Deputy Communication Officer. The Writ Petitioner did not get an opportunity. His immediate senior had been appointed as Superintendent. But the petitioner was neither appointed to the post of Superintendent nor promoted to the post of Deputy Communication Officer. By this time, he retired from service. He had then filed the present Writ Petition seeking notional promotion from the year 2013 when according to him a vacancy had arisen for the post of Deputy Communication Officer. He also incidentally seeks monetary benefits which had accrued to that particular post to be paid till the date of his retirement on attaining the age of superannuation.

3. A Counter affidavit had been filed wherein it had been stated that the junior Paramasivam had been given the promotion to the post of Deputy Communication Officer since he was also qualified in MA Sociology, Post Graduation Diploma in Journalism and Mass Communication and had also passed the Executive Officers Test. But however, no explanation has been given as to why the petitioner was overlooked and why the junior was promoted to the post of Deputy Communication Officer. The said Paramasivam had enjoyed the said promotional post and had probably



retired by this time. The petitioner had been left high and dry. No further promotion was given to him. He had also passed his M.A. Sociology. He had also qualified himself in post-graduation Diploma in Journalism and Mass Communication and he had also passed the Account Test for Executive Officers as required by the respondent.

4. The only eligibility for promotion to the post of Deputy Communication Officer was to discharge duty for not less than 5 years as District Extension Educator or Extension Educator and a pass in Account Test for Executive Officers. The petitioner was qualified and had the requisite eligibility to be considered for promotion. He had however been over looked. This injustice has to be set right so far as the petitioner is concerned.

5. On the side of the respondents, it is contended that the petitioner's immediate senior had been promoted in the year 2012 to the post of Superintendent. But even thereafter, the petitioner was not appointed to the post of Superintendent nor promoted to the post of Deputy Communication Officer. His situation is certainly pitiable. He has good cause to maintain



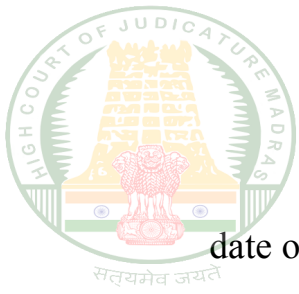
the Writ Petition.

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6. In the counter affidavit, very strangely the deponent had also stated that the petitioner had not passed the Account Test Examination which is contrary to the facts. This statement of the deponent of the counter affidavit is condemnable.

7. It is clear that the petitioner had been singled out for prejudicial treatment by the respondents. This has to be set right by the Court.

8. A direction is therefore given that on the date when the Deputy Communication Officer had fallen vacant, namely, 01.05.2013, the petitioner must be deemed to have been promoted to that particular post and extended with service benefits. His period of service must be calculated as functioning as Deputy Communication Officer on and from 01.05.2013 till the date of his superannuation. He must also be granted monetary benefits for that particular post and his other benefits must be accordingly redetermined and necessary retirement benefits must be paid to him. The entire exercise must be completed within a period of three months from the



date of receipt of a copy of this order.

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9. The petitioner succeeds in the Writ Petition. The Writ Petition stands allowed. No order as to costs.

17.03.2025

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

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The State of Tamilnadu
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Secretariat, Chennai – 600 009.
2. The Commissioner
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C.V.KARTHIKEYAN, J.,

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