



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 28.03.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.7809 of 2025

R.Mohan

.. Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Food and Civil Supplies & Consumer Protection Department,
Fort. St. George, Secretariat,
Chennai – 600 009.

2.The Commissioner / Director,
Civil Supplies & Consumer Protection Department,
Chepauk, Chennai – 600 005.

3.The Deputy Commissioner – I,
Civil Supplies & Consumer Protection Department,
Ezhilagam, Chepauk,
Chennai – 600 005.

4.The Joint Commissioner,
Civil Supplies & Consumer Protection Department,
Ezhilagam, Chepauk,
Chennai – 600 005.

5.The Commissioner for Revenue Administration,
Revenue and Disaster Management Department,
Ezhilagam, Chepauk,
Chennai – 600 005.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order dated 13.01.2025 in Se.Mu.Order No.A1/3850/2024 which has been signed on 20.01.2025 passed by the 3rd respondent and to quash the same, consequently direct the respondents 1 to 4 to restore the original post of the petitioner as Assistant and grant consequential promotion as Superintendent on par with his juniors.

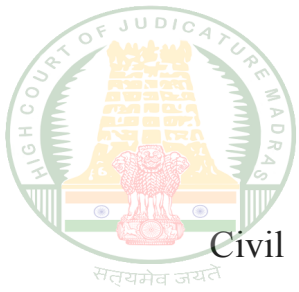
For Petitioner .. Mr.C.Kavin Kumar

For Respondents .. Mr.S.Yashwanth, AGP

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records of an order dated 13.01.2025 passed by the 3rd respondent and to quash the same and direct the 1st to 4th respondents to restore the original post of the petitioner as Assistant and grant consequential promotion as Superintendent on par with his junior.

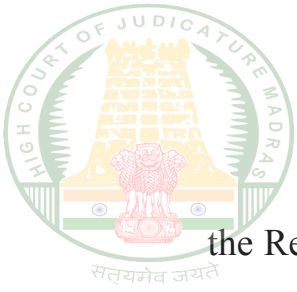
2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner had been appointed as Junior Assistant on 02.07.2014 through direct recruitment and was posted in the 3rd respondent office /



Civil Supplies & Consumer Protection Department. He was subsequently promoted as Assistant on 10.11.2018. He then made a request for one way transfer from the respondent department to the Revenue Department at Kallakuruchi. He was therefore de-promoted as Junior Assistant, but the transfer order had not been issued and not effected.

3.In the instructions given, it had been stated that the 5th respondent / the Revenue Department had refused to absorb the petitioner in their department. The petitioner was therefore left high and dry. He had been demoted from the post of Assistant to Junior Assistant in his parent department, namely, the Civil Supplies and Consumer Protection Department and he had also not been transferred to the Revenue Department, who had not accepted to take him in their department. The petitioner had therefore given a representation that since he is being retained in the parent department, his seniority should be restored from that the Junior Assistant to Assistant.

4.The reason given by the petitioner is acceptable. He had been demoted on the ground that he wanted transfer from the parent department to



the Revenue Department, but that transfer had not become a fait accompli.

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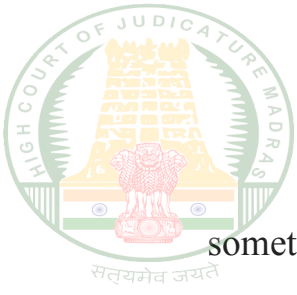
It had not been effected. The transferee department did not absorb the petitioner. The petitioner therefore remained with the parent department. He had only given a request for transfer. In the impugned order it had been stated that the petitioner cannot be considered for promotion, in view of Section 57(2) of Tamil Nadu Government Servants (Conditions of Service) Act, 2016, which is as follows:

“57. Relinquishment of rights by members.

(1)

(2) Relinquishment of a right or privilege for a temporary period shall be accepted if it is made for a period of not less than three years, subject to the condition that after the expiry of the said period, the claim of the right or privilege relinquished will be with reference to the state of affairs that exist on the date of expiry of the period of relinquishment and without restoration of original seniority. If relinquishment of right or privilege is made permanently and is accepted, subsequent claim of the relinquished rights or privileges shall not be entertained.”

5. It is to be noted that it is not a promotion to the post of Assistant, but a restoration to the post which the petitioner held prior to him causing all this confusion by seeking transfer to the Revenue Department. This is



something which the petitioner himself has invited, but it is not an incurable issue. The petitioner's service records can always be corrected by noting two facts, that he had not been transferred as requested to the Revenue Department and that therefore, he had been retained in the parent department and if he is to be so retained, naturally, his original post should also be retained namely, that of Assistant.

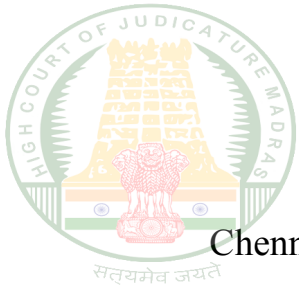
6. In view of the above observations, the impugned order is set aside. A direction is given to the respondents to consider the petitioner as Assistant on and from the date he had actually been promoted as Assistant and give all service and monetary benefits to the petitioner. Accordingly, this Writ Petition stands allowed. No costs.

28.03.2025

Index: Yes/No
Internet: Yes/No
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