



W.P.No.39576



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.39576 of 2015

S.Nallamuthu

... Petitioner

Vs.

1. Government of Tamil Nadu,
Represented by its Principal Secretary,
Municipal Administration & Water Supply Department,
Fort St.George, Chennai – 600 009.

2. The Director of Town Panchayat,
Office at Kuralagam Complex,
Broadway, Chennai – 600 108.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records which culminated in issuing the Letter No.33007/Paeru.1/2014-2 dated 13.04.2015 on the file of the first respondent, quash the same and consequently directing the respondents, particularly the second respondent to promote the petitioner to the post of Assistant Director of Town Panchayat notionally with effect from 23.10.1992, the date on which his junior Tr.Jayapal was given such promotion.

For Petitioner : Mr.S.Mani

For Respondents : Mr.S.Rajesh, Government Advocate



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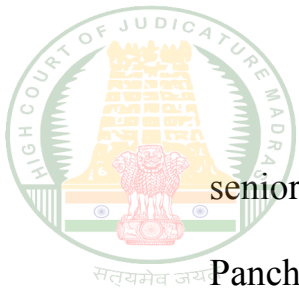
ORDER

This writ petition has been filed seeking a writ of certiorarified mandamus, to call for the records relating to Letter No.33007/Paeru.1/ 2014-2 dated 13.04.2015, whereby the claim made by the petitioner for promotion to the post of 'Assistant Director of Town Panchayat' on par with one Mr.R.Jayapal, was rejected by the respondents.

2. The brief facts that are relevant for disposal of this writ petition are as under:-

2.1. The petitioner herein, who was initially appointed as a 'Junior Assistant' on 01.09.1960, was subsequently promoted to the posts of 'Head Assistant', 'Executive Officer, Grade-I' and 'Executive Officer, Selection Grade' on 07.07.1965, 10.07.1974 and 19.02.1985 respectively. It was thereafter, the petitioner was promoted to the post of 'Special Grade Executive Officer' on 11.03.1997, and to the post of 'Assistant Director' on 16.06.1999, and retired from service on attaining the age of superannuation on 30.06.2000.

2.2. While so, it was on 12.07.2013, the Respondent No.2 herein issued proceedings bearing Rc.No.6793/2009/A7 dated 12.07.2013, revising the

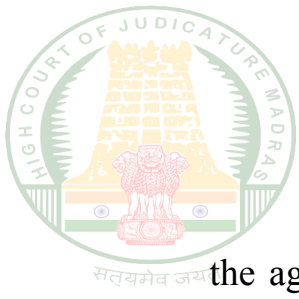


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seniority list of all grades of Executive Officer under the Tamil Nadu Town Panchayat Sub-ordinate Service Rules and Head Clerk/ Assistant under the Tamil Nadu Ministerial Service Rules. In the said seniority list, the petitioner was shown at Sl.No.18 of the 'Executive Officer, Special Grade' for the year 1995-1996, whereas one Mr.R.Jayapal was shown at Sl.No.28 of the Seniority List of 'Executive Officer, Special Grade' for the year 1999-2000.

2.3. In the light of the said revised seniority list issued through proceedings bearing Rc.No.6793/2009/A7 dated 12.07.2013, the petitioner started making a claim for promotion to the posts of 'Executive Officer, Special Grade' and 'Assistant Director' on par with the said Mr.R.Jayapal. The said Mr.R.Jayapal was promoted to the post of 'Special Grade Executive Officer' on 29.07.1991 and subsequently to the post of 'Assistant Director' on 23.10.1992. However, the said claim made by the petitioner was rejected by the respondents by passing the impugned order on various grounds.

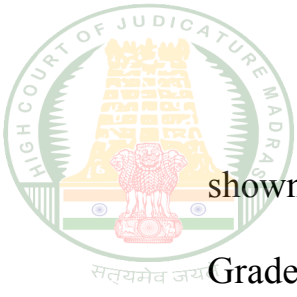
3. Heard Mr.S.Mani, learned counsel for the petitioner and Mr.S.Rajesh, learned Government Advocate, appearing for the respondents.



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4. As already noted above, the petitioner retired from service on attaining the age of superannuation on 30.06.2000. While the petitioner was in service, the petitioner never raised any objection either with regard to his date of promotion to the post of 'Executive Officer, Special Grade' or to the post of 'Assistant Director'. So also, the petitioner has not challenged the orders of promotion granted in favour of Mr.R.Jayapal with effect from 29.07.1991 and 23.10.1992 for the post of 'Executive Officer, Special Grade' and 'Assistant Director' respectively. Even after retirement, the petitioner has neither challenged the action of the respondents nor made any claim for promotion on par with Mr.R.Jayapal till the year 2013. It is only after the issuance of proceedings dated 12.07.2013, revising the seniority list after the petitioner as well as Mr.R.Jayapal retired from service, the petitioner started making a claim for promotion i.e., after the lapse of more than 12 years after he retired from service. On this ground alone, the claim made by the petitioner, should have been rejected by the respondents and in the considered view of this court, this writ petition is liable to be dismissed on this ground alone.

5. Be that as it may, if the claim of the petitioner is to be considered in terms of proceedings dated 12.07.2013 issued by the Respondent No.2, finalizing the revised seniority, then equally, the case of Mr.R.Jayapal, who is



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shown in panel year 1999-2000 for the post of 'Executive Officer, Special Grade' is also required to be revised and in that case, the said Mr.R.Jayapal would be entitled for promotion to the post of 'Executive Officer, Special Grade' only during the panel year 1999-2000. If that is done, the claim that is being made by the petitioner in the present writ petition for promotion to the post of 'Executive Officer, Special Grade' on par with Mr.R.Jayapal would fall to the ground.

6. In the circumstances, the claim made by the petitioner in this writ petition for promotion on par with Mr.R.Jayapal after a lapse of more than 12 years since the date of his superannuation and more than two decades after Mr.R.Jayapal was promoted to the post of Mr.R.Jayapal, cannot be entertained.

7. In the light of the above, this court is not inclined to interfere with the impugned order and the same is accordingly, dismissed. No costs. Connected miscellaneous petitions, if any, shall stand closed.

01.07.2025

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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MUMMINENI SUDHEER KUMAR, J.

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To

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