



W.P.No.8949 of 2015

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM :

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.8949 of 2015

and

WMP.No.24767/2016 & MP.No.1 of 2015

K.Karthikeyan

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by the Principal Secretary to Government,
Personnel Administrative & Reforms Department,
Secretariat, Fort St.George,
Chennai 600 009.

2.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Environment and Forest (FR-2) Department,
Secretariat, Fort St.George,
Chennai 600 009.

3.The Principal Chief Conservator of Forests,
(Head of Forests Force),
No.1, Jones Road, Panagal Buildings,
Saidapet,
Chennai 600 015.

... Respondents



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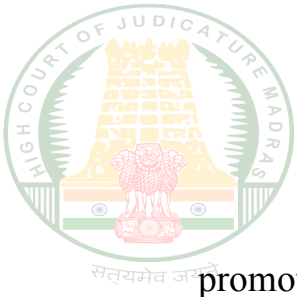
PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus forbearing the respondents from approving the panel for the year 2014-2015 for promotion to the post of Forest Range Officer without considering the objection submitted by the petitioner dated 03.12.2014 and consequently include the name of the petitioner in the panel for promotion to the post of Forest Range Officer based on his seniority and eligibility from the year 2012-2013 with consequential promotion and other attendant benefits.

For Petitioner : Ms. Banumathi
for Mr.S.Nedunchezhiyan

For Respondents : Mr.S.Senthil Murugan,
Special Government Pleader for R1
Mr.S.Rajesh,
Government Advocate for R2 & R3

ORDER

This Writ Petition is filed for a Writ of Mandamus forbearing the respondents from approving the panel for the year 2014-2015 for



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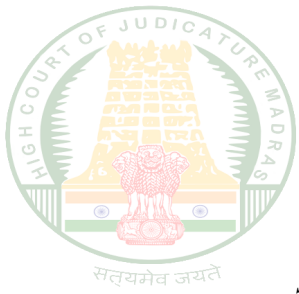
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promotion to the post of Forest Range Officer without considering the objection submitted by the petitioner, dated 03.12.2014 and consequently, include the name of the petitioner in the panel for promotion to the post of Forest Range Officer based on his seniority and eligibility from the year 2012-2013 with consequential promotion and other attendant benefits.

2. Today, the learned Government Advocate has filed a proceeding of the Principal Chief Conservator of Forests Chennai in Proc.No.AB1/62329/2004, dated 29.10.2004, where, the present petitioner's name finds place in Sl.No.10 and he has been given promotion.

3. Now, the learned counsel for the petitioner submitted that this Hon'ble Court, in the batch of Writ Petitions in W.P.No.24461 of 2013, by an order dated 02.12.2020, has considered the same issue. The relevant portion of the order is extracted hereunder;

“78. This Court though on a precipitous understanding and at a first blush found some substance and force in the



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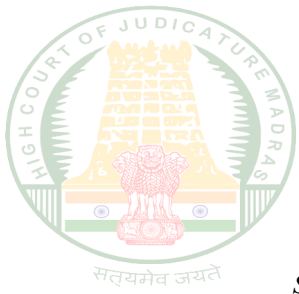


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submission of learned Senior counsel Mr.A.R.L.Sundaresan, particularly his reference to observation of the learned Division Bench in paragraph 88 (extracted supra), but on a careful understanding of the issue, it boiled down to the legal position that the grant of the benefit of accelerated seniority was not traceable to any statutory Rule at all. Such benefit is not referable to any statutory Rule, as held by the learned Division Bench as under;

“71.....Even assuming that the promotion was made under Rule 36(b)(ii)(2), then again by applying Rule 36(aa), the accelerated promotees cannot overlook their seniors to get accelerated seniority in the promoted post.

79. The promotion against supernumerary posts only makes the case stronger for the regular promotees to assail the grant of benefit of accelerated seniority. Nonetheless accelerated promotion against regular vacancy under Rule 36(b)(ii)(2), assuming that the promotion was made under the said Rule did not mean that accelerated seniority to be conferred as a consequence of such promotion without reference to any Rule. Therefore, this Court is of the considered view that ultimately whether the promotion was against supernumerary post or against a regular post is immaterial in testing the validity of the grant of accelerated

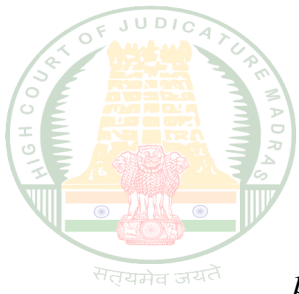


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seniority. Even otherwise, the learned Division Bench in paragraph 88 has observed that the claim for accelerated seniority may be sought if a person was accommodated in a substantive vacancy, provided such promotion so conferred was made within the Rules, which means if only the promotion was made in terms of the Rules like 35(a), 35(aa) of the Tamil Nadu State and Subordinate Service Rules or 25 of the Tamil Nadu Police Subordinate Service.

80. On the aspect of delay, this Court finds that in the normal circumstances, the objections may have been valid but on consideration of the continuous pending of 'lis' before this Court and the legal circumstances and the core issue has been hanging fire particularly at the instance of the Government, the said objections are liable to be rejected. In fact, before the learned Division Bench tacitly the issue of delay was raised as there was no challenge to G.O.Ms.No.1252, Home (Police – VIII) Department, dated 29.10.2004 for considerable time, but the objection was overruled on the larger consideration of the lis. Therefore, while disposing of all these writ petitions, no exception could be carved out in respect of these three writ petitions. The effect of the learned Division Bench decision dated 05.04.2013 and the decision of this Court would cover all



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promotions and seniority that are subject matter of the present batch of writ petitions”.

4. In view of the same, as it is a covered matter, against which no appeal was preferred, the petitioner is also entitled for the same benefit which was extended in W.P.No.24461 of 2013, in accordance with law.

5. Accordingly, this Writ Petition is allowed. Consequently, connected Miscellaneous Petitions are closed. No costs.

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Index : No
Internet : No
Non-Speaking order
Neutral Citation : Yes
dna



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