



W.P. Nos. 14838 & 14842 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. Nos. 14838 and 14842 of 2019

and

W.M.P. Nos. 14818 and 14824 of 2019

W.P. No.14838 of 2019:-

V.Selvaraj

... Petitioner

-VS-

1. The State of Tamil Nadu
Rep. by its Chief Secretary to Government
Secretariat, Fort St. George
Chennai-600009.
2. The State of Tamil Nadu
Rep. by its Principal Secretary to Government
Public Department
Secretariat, Fort St. George
Chennai-600009.
3. The State of Tamil Nadu
Rep. by its Principal Secretary to Government
Personnel and Administrative Reforms Department
Secretariat, Fort St. George
Chennai-600009.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the respondents to grant promotion to the petitioner to the post of Additional Secretary to Government



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in the existing available vacancies based on eligibility as on crucial date on 01.09.2018 in pursuant to the proceedings issued by the third respondent in Letter No.E1/950-5/2018 dated 19.02.2019 Public Department with all consequential and other attendant benefits including retirement benefits in the post of Additional Secretary to Government, by considering the representation submitted by the petitioner dated 08.05.2019.

For Petitioner : Ms.A.Maheshnath

For Respondents : Mr.A.M.Ayyadurai, GA (RR1 to 3)

W.P. No.14842 of 2019:-

V.Avudaiappan

... Petitioner

-VS-

1. The State of Tamil Nadu
Rep. by its Chief Secretary to Government
Secretariat, Fort St. George
Chennai-600009.
2. The State of Tamil Nadu
Rep. by its Principal Secretary to Government
Public Department
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Secretariat, Fort St. George
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... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India,



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1950, praying to issue a Writ of Mandamus, directing the respondents to grant promotion to the petitioner to the post of Additional Secretary to Government in the existing available vacancies based on eligibility as on crucial date on 01.09.2018 in pursuant to the proceedings issued by the third respondent in Letter No.E1/950-5/2018 dated 19.02.2019 Public Department with all consequential and other attendant benefits including retirement benefits in the post of Additional Secretary to Government, by considering the representation submitted by the petitioner dated 08.05.2019.

For Petitioner : Ms.A.Maheshnath

For Respondents : Mr.A.M.Ayyadurai, GA (RR1 to 3)

COMMON ORDER

The petitioners have filed these writ petitions for directing the respondents to grant promotion to the petitioners to the post of Additional Secretary to Government in the existing available vacancies based on the eligibility as on crucial date 01.09.2018 in pursuant to the proceedings issued by the third respondent in Letter No.E1/950-5/2018 dated 19.02.2019 Public (Special A) Department with all consequential and other attendant benefits including retirement benefits in the post of Additional Secretary to Government, by considering the common representation submitted by the petitioners dated 08.05.2019.



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WEB 2.0 **OP** Heard Ms.A.Maheshnath, learned counsel for the petitioners and Mr.A.M.Ayyadurai, learned Government Advocate for the first to third respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. It has been informed by the learned counsel for the petitioners that after the filing of these Writ Petitions, the petitioner in W.P. No. 14838 of 2019, viz., V.Selvaraj, has died. However, steps have not been taken to implead his legal representative on his behalf in W.P. No. 14838 of 2019.

4. The petitioners had retired from service on 31.05.2019 due to superannuation. At that time, they petitioners were working as Joint Secretaries to the Government. The petitioners claim that they were eligible to the post of Additional Secretary and there were 8 vacancies available during August 2018 itself. The petitioners have been included in the promotion panel to the post of Additional Secretary for the promotion panel year 2018-2019. Despite the petitioners' name have been forwarded on 28.02.2019, they were not given with any promotion. Hence, the petitioners claim notional promotion to the post of Additional Secretary based on the year wise promotion panel 2018-2019.



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WEB 5.0 The learned Government Advocate appearing for the respondents submitted that the petitioners have been informed by the Government Letter No.790/2019, Public (Special A) Department dated 31.05.2019 that their request for promotion to the cadre of Additional Secretary to the Government has not been complied because of the revision of seniority in the cadre of Assistant Section Officer. It is further submitted that the seniority has not been fixed as per the earlier orders passed by this Court in W.P. Nos. 15683 and 15684 of 2011 dated 03.08.2018, which has resulted in not promoting the persons even seniors to the petitioners who had retired on 31.05.2019.

6. The petitioners have not chosen to challenge the Government Letter No.790/2019, Public (Special A) Department dated 31.05.2019 intimating the petitioners that the seniority in the cadre of Assistant Section Officer has been revised in view of the earlier orders passed by this Court in W.P. Nos. 15683 and 15684 of 2011 dated 03.08.2018. When the persons seniors to the petitioners are themselves are deprived of benefit of getting the promoted to the post of Additional Secretary, the petitioners cannot seek exception to direct the respondents to grant notional promotion to them by overlooking their seniors.



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7. In view of the same, this writ petition is disposed of. However, this order

will not stand in the way, if the petitioners also found in a better place in the revised seniority list arrived as per the earlier orders passed by this Court in W.P. Nos.15683 and 15684 of 2011 dated 03.08.2018, which has been confirmed by judgments passed by the Division Bench of this Court in W.A. Nos. 2537 and 2612 of 2019 dated 23.12.2020. No costs.

04.04.2025

Internet: Yes/No

Speaking /Non-speaking order

Maya

To

1. The Chief Secretary to Government of Tamil Nadu
Secretariat, Fort St. George
Chennai-600009.
2. The State of Tamil Nadu
Rep. by its Principal Secretary to Government
Public Department
Secretariat, Fort St. George
Chennai-600009.
3. The State of Tamil Nadu
Rep. by its Principal Secretary to Government
Personnel and Administrative Reforms Department
Secretariat, Fort St. George, Chennai-600009.



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R.N.MANJULA, J.

Maya

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Dated : 04.04.2025