



W.P.No.32731 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

W.P.No.32731 of 2025

and

WMP.Nos.36646 & 36650 of 2025

A.Ravikumar,
Panchayat Secretary,
Peedampalli Panchayat, Coimbatore District.

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Rural Development Department,
Fort St. George, Chennai – 600 009.
2. The District Collector,
Coimbatore District,
Coimbatore.
3. Personal Assistant to the District Collector (Development),
Office of the District Collector,
Coimbatore.
4. The Block Development Officer,
Village Panchayat, Sulur Union,
Coimbatore District – 641 402.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records to pertaining to letter(2pa) No.111 dated 24.07.2025 issued by the first respondent and consequential proceedings bearing Na.Ka.No.385/2022 K4 dated 20.08.2025 issued by the second respondent and quash the same only insofar as the same relates to the promotion of the petitioner as Junior Assistant and consequently direct the respondents to accept the relinquishment of promotion of by the petitioner and permit him to serve as Panchayat secretary.

For Petitioner : Mr.K.S.Viswanathan,
Senior Advocate,
Assisted by M/s.T.Hemalatha

For Respondents : Mr.S.Yashwanth, AGP

ORDER

The present Writ petition has been filed by the petitioner challenging his promotion to the post of Junior Assistant(General), without taking into consideration the representations submitted by the petitioner on 29.07.2024, 10.06.2025 and 01.07.2025, relinquishing his promotion to the higher post of Junior Assistant, due to health and other personal reasons.



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WEB COPY 2. It is the case of the petitioner that the petitioner was initially appointed as a Panchayat Secretary in Suler Block, Coimbatore and after some transfer in between, the petitioner is working in Suler Block as Panchayat Secretary from the year 2022. The next avenue of promotion for Panchayat Secretary is to the post of Junior Assistant as against the 20% of vacancy reserved for those who hold the post of Panchayat Secretary. Initially, during the year 2021-2022, though the petitioner had expressed his desire to be promoted as Junior Assistant, subsequently, by letter dated 29.07.2024 sent to the 4th respondent, the petitioner has permanently relinquished his right of promotion as Junior Assistant, due to health reasons and on the very same day, the petitioner has also forwarded the letter to the 3rd respondent as well. However, without considering the same, the impugned order dated 20.08.2025 had been passed by the 2nd respondent granting promotion to the petitioner as Junior Assistant (General) at Sultanpet Block. Aggrieved against the said action of the respondents, the petitioner has approached this Court by way of filing the present Writ petition.



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3. Learned counsel for the petitioner submits that, the petitioner has given a letter of relinquishment on 29.07.2024, which is one year prior to passing of the impugned order and the same is much before the respondents taking decision. Learned counsel further submits that, even though the petitioner has repeatedly sent representations seeking relinquishment, without considering the same, the petitioner has been promoted to the post of Junior Assistant, which is wholly unsustainable. Accordingly, he prayed for appropriate orders.

4. Per contra, the learned Additional Government Pleader appearing on behalf of the respondents would submit that the 2nd respondent, vide communication dated 17.02.2022, had instructed all the Block Development Officers (VP) in Coimbatore District to submit appropriate proposals with necessary documents and certificates. Further, the petitioner has opted/expressed his willingness for promotion during the relevant time and on the above instructions of the 2nd respondent, proposals were submitted by the 4th respondent, vide proceedings dated 10.03.2022 and the petitioner being found to be an eligible person, he had been promoted as Junior Assistant. However, only in order to avoid transfer, the petitioner has now, after the promotion list having been



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issued, had withdrawn his application, which cannot be acceded to.

WEB COPY Accordingly, he prayed for dismissal of this Writ petition.

5. I have heard the learned counsel on either side and I have also perused the materials available on record.

6. The 2nd respondent has filed a detailed counter and the relevant portion of the said counter is extracted hereunder:-

“8) With respect to the averments made by the writ petitioner in paragraphs No.8 to 11 and ground (a) to (f) of his affidavit, I humbly submit that proposals were sent to the Government and to the TNPSC based on the earlier willingness of the writ petitioner which has also been accepted and admitted by the writ petitioner himself in his writ petition. After completing all the administrative procedures at the Government and TNPSC level, the writ petitioner has submitted his unwillingness which is unfair on the part of the writ petitioner. There are no service rules in existence to entertain the request of the writ petitioner at this stage. By his activities, he has blocked the promotional opportunity of his immediate junior. Under Rule 57 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, though the writ petitioner has the option to



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relinquish his right for this promotion, such relinquishment of right for the promotion has to be accepted by the appropriate appointing authority. As relinquishment of right for the promotion expressed by the writ petitioner is against the public and administrative interest, his relinquishment option has not been accepted and hence deemed to be rejected. Hence the writ petitioner has to join in the promotional post in the public and administrative interest. Hence his prayer is not entertainable as per the existing service rules and also on the following submissions and thus liable to be dismissed without any considerations.”

7. For the sake of convenience, Section 57 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 is extracted hereunder:-

“57. Relinquishment of rights by members:-

(1) Any person may, in writing, relinquish any right or privilege to which he may be entitled under this Act or the special rules if, in the opinion of the appointing authority, such relinquishment is not opposed to public interest; and nothing contained in this Act or the special rules shall be deemed to require the recognition of any right or privilege to the extent to which it has been so relinquished.

(2) Relinquishment of a right or privilege for a



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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.”

8. Section 57 speaks about the relinquishment rights of the members and the rule specifies that any person may in writing, relinquish any right or privilege to which they may be entitled under the Act or the special rules if, in the opinion of the appointing authority, such relinquishment is not opposed to public interest and it has been specifically stated that, nothing contained in this Act or the special rules shall be deemed to require the recognition of any right or privilege to the extent to which it has been so relinquished.

9. In the present case in hand, though it has been stated by the respondents in the counter that, Section 57 of the Tamil Nadu Government Servants (Conditions of Service) Act, does not specify that



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such relinquishment of rights by members can be made at any time and that, the said relinquishment of the petitioner is opposed to public interest, the same has not been established by the respondents and the petitioner having relinquished the rights, the respondents are bound to accept the same, unless it is against the public interest.

10. In view of the above, this Writ petition stands allowed and the impugned order of the 2nd respondent bearing Na.Ka.No.385/2022 K4 dated 20.08.2025, promoting the petitioner to the post of Junior Assistant (General) is set aside. No costs. Consequently, the connected Miscellaneous petitions are closed.

08.09.2025
(2/2)

skt

Index : Yes / No
Speaking order : Yes / No
NCC : Yes / No

To

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Rural Development Department,
Fort St. George, Chennai – 600 009.



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Office of the District Collector,
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A.D.JAGADISH CHANDIRA, J.

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A.D.JAGADISH CHANDIRA, J.

The present Civil
Miscellaneous petition filed seeking to



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dispense with the production of the original impugned order bearing letter (2pa) No.111 dated 24.07.2025 issued by the first respondent and consequential proceedings bearing Na.Ka.No.385/2022 K4 dated 20.08.2025 issued by the second respondent, is ordered as prayed for.

08.09.2025
(1/2)

skt