



WP(MD).No.10857 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2025

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THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

WP(MD) No. 10857 of 2021

N.Murali

.....Petitioner

Vs

1.The Special Secretary to Government
Finance (T&A-2) Department
Secretariat, Chennai 600 009

2.The Commissioner of Treasuries and Accounts
Integrated Finance Department Complex
571, Amma Valagam, 3rd Floor
Anna Salai, Nandanam,
Chennai 600 035.

3.The Treasury Officer
District Treasury
Tiruchirappalli

....Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent i.e., the Special Secretary to Government Finance (T & A-2) Department relating to the impugned Government letter No. 24495/kaka-2/2020-2 dt.22.12.2020 and communicated by the third respondent i.e., the Treasury Officer, Tiruchirapalli in his endorsement No. 24057/2019/B2 dated 11.02.2021 and quash the same and consequently direct the first respondent i.e., the Special Secretary to Government, Finance (T &



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A-2) Department, Chennai to include the name of the petitioner in the approved list of Assistant Treasury Officer of the year 2012-13 on par with his juniors Tmt.C.Padmini Dorathy and consequently to include the petitioner's name in the approved list of Additional Treasury Officer of the year 2018-19 on par with his junior Thiru.D.Suresh and give notional promotions in both the cadres on par with his juniors with all service benefits within a specified time frame that may be fixed by this Hon'ble High Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The present writ petition has been filed seeking to quash the order passed by the first respondent on 22.12.2020 wherein the request of the petitioner to include his name in the panel for the year 2012-2013 for promotion from the post of Sub-Treasury Officer to the post of Assistant Treasury Officer was rejected.

2.A perusal of the records reveals that the petitioner while he was working as an Accountant, he become eligible for being promoted as Sub-Treasury Officer. He has given a temporary relinquishment letter on 27.04.2007 relinquishing his right for promotion for a period of three years. According to the learned counsel for the writ petitioner, even after expiry of the three years period, his name was not included in the panel for promotion



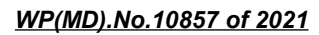
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to the post of Sub-Treasury Officer. Hence, he filed WP(MD).No.2649 of 2011. This Court by an order dated 15.03.2012 allowed the writ petition with an observation that the temporary relinquishment period of the writ petitioner expired on 31.03.2009 and the petitioner would be entitled to inclusion in the panel from 01.04.2009 onwards.

3.In compliance with the order of this Court, proceedings were issued on 15.11.2012 by including the name of the writ petitioner for the post of Sub-Treasury officer in the panel for the year 2009-2010. However, the petitioner was actually promoted only on 15.11.2012 and he joined as a Sub-Treasury Officer on 03.12.2012.

4.The petitioner's name was included in the panel to the next level of promotion namely Assistant Treasury Officer for the panel year 2014-2015 and he was accordingly promoted. The grievance of the writ petitioner is that his name should have been included in the panel for the year 2012-2013 for the post of Assistant Treasury Officer. He made a request to the concerned officials which was rejected under the impugned orders. Challenging these two impugned orders, the present writ petition has been filed.

5.According to the learned counsel for the writ petitioner, when his name is included in the year 2009-2010 panel for the post of Sub-Treasury Officer, as a consequence, his name should have been included in the panel for 2012-2013 for the next level of promotion namely Assistant Treasury



6. According to the learned counsel for the writ petitioner, after relying on the various decisions of this Court, he submitted that there is no fault on the part of the petitioner in acquiring service qualification as a Sub-Treasury Officer for the panel year 2009-2010 for the post of Sub-Treasury Officer for which the crucial date is 01.04.2009. Since the authorities have not included his name in the panel, he had rushed to the court. When there is a fault on the part of the authorities in including his name in the panel for the year 2009-2010 for the post of Sub-Treasury Officer, the said service experience qualification cannot be cited as against the writ petitioner. Had his name being included in 2009-2010 panel, he would have very well completed one year service experience for including his name in 2012-2013 panel.



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7.Per contra, the learned Special Government Pleader appearing for the respondents herein submitted that the writ petitioner has given his relinquishment letter only on 27.04.2007 as per the service records. When a period of three years is calculated from the said date, the relinquishment period expires only on 26.04.2010. In such circumstances, the petitioner was rightly promoted as a Sub-Treasury Officer in November 2012 after including his name in the panel for the year 2011-2012. When he was promoted in November 2012 as a Sub-Treasury Officer, the petitioner would be entitled for the next level of promotion as an Assistant Treasury Officer only in 2014-2015 because he has completed the service qualification of one year only in 2014-2015. He had further submitted that the petitioner has not impleaded the juniors who have already been promoted on being included in the panel for the year 2012-2013. Therefore, the writ petition is not maintainable without impleading those candidates. Hence, he prayed for dismissal of the writ petition.

8.Heard both sides and perused the material records.

9.The dispute that arises for consideration is what is the actual period of relinquishment for promotion to the post of Sub-Treasury Officer as per relinquishment letter submitted by the writ petitioner.

10.A perusal of the S.R.Book reveals that the petitioner has given a relinquishment letter on 27.04.2007. However, the order of this Court in



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WP(MD).No.2649 of 2011 reveals that the petitioner has given his relinquishment letter on 26.04.2006. As per the order of the writ Court in WP(MD).No.2649 of 2011, the period of relinquishment would expire on 31.03.2009 and the right of the petitioner to seek promotion gets revived from 01.04.2009. Therefore, it is clear that the petitioner's name should have been included in any panel that is prepared after 01.04.2009. Accordingly, in compliance with the orders of this Court, proceedings have been issued by the respondent officials on 15.11.2012 including the name of the writ petitioner in 2009-2010 panel for promotion to the post of Sub-Treasury Officer. Therefore, it is nothing but consequential that his further promotion is also based upon 2009-2010 panel. Whoever is shown as junior to the writ petitioner in 2009-2010 panel, cannot march over the writ petitioner for the next level of promotion.

11.This Court has pointed out that the officials have erred in not including his name in 2009-2010 panel. Therefore, the order of promotion issued by the authorities on 15.11.2012 cannot be a benchmark for fixing the seniority of the writ petitioner. The petitioner has been notionally placed in 2009-2010 panel for the post of Sub-Treasury Officer. Even though the petitioner has not acquired one year experience as a Sub-Treasury Officer, in view of the settled position of law that the petitioner cannot be blamed for not acting as a Sub-Treasury Officer (he has not been appointed as a



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Sub-Treasury Officer by erroneous calculation of relinquishment letter), the order of the promotion issued by the authorities on 15.11.2012 cannot snatch away the seniority of the writ petitioner.

12.In view of the above said facts, it is clear that when the juniors of the writ petitioner as per 2009-2010 panel have been promoted as Assistant Treasury Officer based upon 2012-2013 panel, it is imperative that the petitioner should also be included in 2012-2013 panel.

13.In view of the above said deliberations, the order impugned in the writ petition is set aside and the respondents are directed to include the name of the writ petitioner in the panel for promotion to the post of Assistant Treasury Officer for the year 2012-2013. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

14.As far as the next level of promotion is concerned, this Court is not inclined to entertain this writ petition, in view of the fact that the petitioner's juniors have not been impleaded in the writ petition. However, it is left open to the writ petitioner to initiate independent proceedings for the next level of promotion after impleading the affected parties.

15.In the result, this writ petition stands allowed to the extent as stated above. No costs.

15.12.2025



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