



W.P.No.18523 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.18523 of 2026
and W.M.P.Nos.19863 and 19865 of 2026

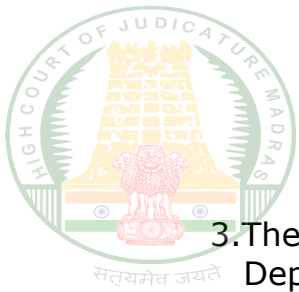
M.Balakrishnan
S/o.D.Mahadevan,
No.1075, 18th Street, G Block,
Anna Nagar West,
Chennai - 600 040.

Petitioner

Vs

1.The Union of India
Rep. by its Secretary,
Department of Personnel and Training,
Ministry of Personnel,
Public Grievances and Pensions,
North Block,
New Delhi – 110001.

2.The State of Tamil Nadu
Rep. by its Chief Secretary,
Public (Special-A) Department,
Secretariat,
Fort St. George,
Chennai - 600 009.



W.P.No.18523 of 2026

3.The Under Secretary
Department of Personnel and Training,
Ministry of Personnel,
Public Grievances and Pensions,
North Block,
New Delhi – 110001.

4.The Cabinet Secretary
Govt. of India,
Cabinet Secretariat,
Rashtrapati Bhawan Complex,
New Delhi - 110 004.

5.The Chairman
Staff Selection Commission,
CGO Complex, Block No.12,
Lodhi Road, New Delhi - 110 003.

6.The Principal Accountant General
(Audit/AE)
Tamil Nadu, 361, Anna Salai,
Teynampet, Chennai - 600 018.

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus directionalling for the records relating to G.O. (Ms) No.807 Public (Special-A) Department, dated 24.12.2025 issued by the 2nd respondent and quash the same and consequently direct the 6th respondent to maintain status quo and refrain from granting, implementing or disbursing any pay, allowances, perquisites, arrears, pensionary or other monetary benefits pursuant to the said impugned Government Order, unless and until prior concurrence/approval of the Central Government is obtained as mandated.



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W.P.No.18523 of 2026

For Petitioner: Mr.A.Selvi Raja
for Mr.M.B.Elakkumanan

For Respondent(s): Mr.AR.L.Sundaresan
Additional Solicitor General of India
assisted by Mr.C.Kulanthaivel,
Senior Panel Counsel
for R1, R3 to R5

Mr.Vijay Narayan
Advocate General
assisted by Mr.R.Veeramani
Government Pleader
for R2 and R6

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Calling into question the promotion given to seven 1995 Batch IAS Officers to Chief Secretary Grade of IAS, vide impugned order made in G.O.Ms.No.807, Public (Special-A) Department, dated 24.12.2025, on the file of the second respondent, the present writ petition, styled as public interest litigation, is filed by the petitioner, who is a practicing advocate. In the writ petition, the petitioner had also sought direction to the sixth respondent to maintain *status-quo* and refrain from granting, implementing or disbursing any pay, allowances, perquisites, arrears, pensionary or other monetary benefits pursuant to the impugned Government Order unless and until prior concurrence/approval of the Central Government is obtained.



W.P.No.18523 of 2026

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2. Learned counsel for the petitioner submitted that the impugned Government Order elevating the officials mentioned therein to Chief Secretary Grade is patently ultra vires, bereft of jurisdiction and unconstitutional. The second respondent, vide proposal dated 10.11.2025, sought approval from the Central Government for such promotion. However, the competent authority of the Government of India, vide communication dated 21.11.2025, rejected the proposal citing multiple statutory violations, including excess operation of ex-cadre posts beyond permissible limits and absence of prior approval. Despite such explicit rejection, the second respondent proceeded to initiate and complete the promotion process. As the action of the second respondent is *ex facie* without jurisdiction and arbitrary, the petitioner has made several representations bringing these illegalities to the notice of the authorities, however, no action was taken. Hence, the petitioner has filed the present writ petition.

3. Learned Advocate General questioned the very maintainability of the public interest litigation in service matters and prayed for dismissal of this writ petition.



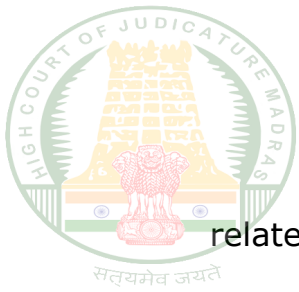
W.P.No.18523 of 2026

4. Learned Additional Solicitor General submitted that the State Government has applied to the Central Government and approval is yet to be granted and necessary steps shall be taken by the Central Government in the manner known to law, irrespective of the outcome of the writ petition.

5. We have considered the submissions raised and perused the materials available on record.

6. When this Court posed a question qua the maintainability of the public interest litigation in service matters, learned counsel for the petitioner submitted that the present writ petition does not concern individual service grievances, but raises substantial questions relating to constitutional governance, federal structure and statutory compliance under All India Services framework, particularly Rule 12(7) of the IAS (Pay) Rules, 2016, which mandates prior approval of the Central Government before granting Apex Scale promotions beyond the sanctioned cadre strength.

7. The aforesaid submission and a bare perusal of the impugned order make it crystal clear that this public interest litigation, in effect,



W.P.No.18523 of 2026

relates to service matter. The Apex Court in a series of decisions, viz., *Dr.Duryodhan Sahu vs. Jitendra Kumar*¹; *Neetu Vs. State of Punjab*²; *Dattaraj Nathuji Thaware vs. State of Maharashtra*³; *Ayaaubkhan Noorkhan Pathan v. State of Maharashtra and others*⁴; and *Vishal Ashok Thorat and others vs. Rajesh Shripambapu Fate and others*⁵, has consistently held that a service dispute cannot be raised by way of a public interest litigation. It is apposite to reproduce the following observations made by the Supreme Court in *Dattaraj Nathuji Thaware's case* (supra):

*"11. As noted supra, a time has come to weed out the petitions, which though titled as public interest litigations are in essence something else. It is shocking to note that Courts are flooded with large number of so-called public interest litigations where even a minuscule percentage can legitimately be called as public interest litigations. Though the parameters of public interest litigation have been indicated by this Court in large number of cases, yet unmindful of the real intentions and objectives, Courts are entertaining such petitions and wasting valuable judicial time which, as noted above, could be otherwise utilized for disposal of genuine cases. **Though in Dr. Duryodhan Sahu case this Court held that in service***

¹(1998) 7 SCC 273

²(2007) 10 SCC 614

³(2005) 1 SCC 590

⁴(2013) 4 SCC 465

⁵(2020) 18 SCC 675



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W.P.No.18523 of 2026

matters PILs should not be entertained, the inflow of so-called PILs involving service matters continues unabated in the Courts and strangely are entertained. The least the High Courts could do is to throw them out on the basis of the said decision. The other interesting aspect is that in the PILs, official documents are being annexed without even indicating as to how the petitioner came to possess them. In one case, it was noticed that an interesting answer was given as to its possession. It was stated that a packet was lying on the road and when out of curiosity the petitioner opened it, he found copies of the official documents. Apart from the sinister manner, if any, of getting such copies, the real brain or force behind such cases would get exposed to find out the truth and motive behind the petition. Whenever such frivolous pleas, as noted, are taken to explain possession, the Court should do well not only to dismiss the petitions but also to impose exemplary costs. It would be desirable for the Courts to filter out the frivolous petitions and dismiss them with costs as afore-stated so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the Courts."

8. In *Ayaaubkhan Noorkhan Pathan* (supra), the Apex Court has reiterated that PIL should not be entertained in service matter. In paragraph 13, it has been held thus:



WEB COPY



W.P.No.18523 of 2026

"15. Even as regards the filing of a Public Interest Litigation, this Court has consistently held that such a course of action is not permissible so far as service matters are concerned. ..."

[emphasis supplied]

9. In *Hari Bansh Lal v. Sahodar Prasad Mahto and others*⁶, the Apex Court, after referring to various earlier decisions, held as under:

"15. The above principles make it clear that except for a writ of quo warranto, public interest litigation is not maintainable in service matters."

[emphasis supplied]

10. In view of the law enunciated by the Apex Court in the aforesaid decisions, it is clear that the present public interest litigation which pertains to service matter is not maintainable.

11. At this juncture, it is apposite to mention that the petitioner stated in the affidavit that challenging the very same Government Order dated 24.12.2025, he had earlier filed a writ petition, being W.P. SR No.19229 of 2026, before this Court and the Registry had returned the petition on the premise that public interest litigations are not

⁶ (2010) 9 SCC 655



W.P.No.18523 of 2026

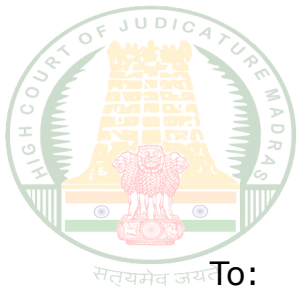
entertained in service matters. However, the case status on the website of this court shows that the said case is "Pending".

Subsequently, the petitioner had approached the Apex Court under Article 32 of the Constitution of India through W.P. (Civil) No.239 of 2026. The Apex Court, vide order dated 26.2.2026, dismissed the writ petition with an observation that the petitioner may, if so advised, approach the jurisdictional High Court. The observation made by the Apex Court cannot be construed to be a permission to file a fresh public interest litigation. As stated supra and on the face of it, the present matter pertains to service matter. Therefore, the present public interest litigation is not maintainable.

For the foregoing reasons, the writ petition is dismissed. There shall be no order as to costs. Consequently, interim applications stand closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
10.06.2026

Index : Yes/No
Neutral Citation : Yes/No
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W.P.No.18523 of 2026

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WEB COPY

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- 2.The Chief Secretary,
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W.P.No.18523 of 2026

THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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W.P.No.18523 of 2026

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