



WEB COPY



W.P.No.8961 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.8961 of 2017

and

WMP.Nos.9870 & 9871 of 2017

D.Sadasivam

...Petitioner

Vs.

1.The State of Tamil Nadu
Rep.by the Secretary to Government
Social Welfare Department
Secretariat, Fort St. George
Madras 600 009.

2.The Director of Social Welfare
Nutritious Meal Programme
SIDCO Old Building
Industrial Estate
Guindy, Chennai 600 032.

...Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the 2nd respondent in Se.Mu.Na.Ka.No.038500/Nir.2(1)/2016 dated 28.02.2017 and to quash the same as illegal, incompetent and



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ultravires and consequently direct the 2nd respondent to promote the petitioner to the post of Assistant from May 2008 with all consequential benefits and to promote the petitioner to the post of Superintendent with effect from May 2013.

For Petitioner : Mr.K.Vanangamudi

For Respondents : Mrs.S.Anitha
Special Government Pleader

ORDER

The challenge in this writ petition is to the impugned order in Se.Mu.Na.Ka.No.038500/Nir.2(1)/2016 dated 28.02.2017, passed by the second respondent. By the said order, the claim of the petitioner for promotion to the post of Superintendent was rejected and, instead, he was promoted to the post of Assistant.

2. The service of the petitioner was regularized to the post of Typist vide G.O.Ms.No.94 dated 23.10.2013, with effect from 12.01.2006. Though the service was regularized, the probationary period of the petitioner was not declared, necessitating the petitioner to approach this Court in W.P.(MD) No.13854 of 2015. This Court, vide order dated 04.08.2015, directed the respondents to consider the proposal made to the respective District Collectors recommending the declaration of probation. Pursuant to the order passed by this

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Court, the probationary period of the petitioner was declared on 21.06.2016, with retrospective effect from 20.04.2008. The petitioner and other similarly situated persons, who were working as Typists, were promoted to the post of Assistant on 28.02.2017. However, the petitioner's claim for promotion to the post of Superintendent came to be rejected, as he had retired from service as on the crucial date.

3. Heard the learned counsel appearing for the petitioner and the learned State Counsel appearing for the respondents.

4. Although the probationary period of the petitioner was declared with effect from 20.04.2008, the petitioner was promoted only to the post of Assistant and, prior to the crucial date for promotion to the post of Superintendent, he retired from service on 31.01.2018.

5. The learned State Counsel, in the counter affidavit, has stated that the petitioner was not promoted to the post of Superintendent as he had not reached the zone of consideration on account of his superannuation on 31.01.2018.



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6. In the absence of any statutory violation in denying the claim of the petitioner for promotion to the post of Superintendent, the impugned order passed by the second respondent cannot be faulted. In the absence of any illegality, the Writ Petition is devoid of merits and liable to be dismissed.

7. Accordingly, the Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petitions are dismissed. There shall be no order as to costs.

05.01.2026

Index : Yes/No
Speaking order : Yes/No
dna

To

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HEMANT CHANDANGOUDAR.J.,

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