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WP No. 24033 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

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THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 24033 of 2017

J.Alphonse Raj

..Petitioner(s)

Vs

1. The Secretary to Government
Education Department, Fort St. George,
Secretariat, Chennai 600 009.
2. The Director of School
Education, DPI Campus, College Road,
Chennai 600 006
3. The District Education Officer
Gudalore, Nilgiri District.

..Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 3rd respondent in his proceedings Na.Ka.No. 498/A1/ 2016 dated 02.2017 (Signed on 14.02.2017) and quash the same and consequently directing the respondents to promote the Petitioner as Junior Assistant notionally on par with his Juniors (i.e. with effect from 1989 the date on which his juniors were promoted with all other service and monetary benefits in the light of the order passed in W.P.No. 13559/ 06 dated 09.04.2012 and pass such suitable orders or other orders as this Honourable with all other service and monetary benefits.



WEB COPY

WP No. 24033 of 2



For Petitioner(s):

M/s. R.S.Anandan

For Respondent(s):

Mrs.P.Rajarajeswari, G.A.

ORDER

The petitioner challenges the order passed by the third respondent in proceedings Na.Ka. No. 498/A1/2016 dated 02.2017 (signed on 14.02.2017). By the said order, the petitioner's request for grant of retrospective promotion to the post of Junior Assistant with effect from 15.03.1989 came to be rejected.

2. The petitioner was initially appointed as an Office Assistant in the Panchayat Union on 30.07.1974. Pursuant to the Government's policy decision to provincialise local body staff, as mandated by G.O. Ms. No. 857, Education Department, dated 23.05.1981, the petitioner was absorbed into the Education Department as a Government servant with effect from 01.06.1981. During the course of his service, he was promoted to the post of Record Clerk on 10.08.2005 and thereafter to the post of Lab Assistant on 05.12.2008. In accordance with the Tamil Nadu Ministerial Service Rules, the petitioner was subsequently promoted to the post of Junior Assistant on 19.10.2012. Soon thereafter, he attained the age of superannuation and retired from service on 31.10.2012.



3. Subsequent to his retirement on 31.10.2012, the petitioner came to learn that several of his juniors in the feeder category had been granted promotion to the post of Junior Assistant prior to his retirement. Noticing this discrepancy in the matter of seniority and promotion, the petitioner submitted a formal representation to the respondents seeking notional promotion to the post of Junior Assistant on par with his juniors, together with consequential revision of his pensionary benefits.

4. However, by the impugned order dated 14.02.2017, the respondents rejected the petitioner's request. The petitioner contends that such rejection is arbitrary and contrary to the settled principle that a senior employee is entitled to promotion on par with his juniors, provided the vacancy existed and the junior was promoted during the senior's tenure of service.

5. Heard the submissions made by the learned counsel for the petitioner as well as the learned counsel appearing for the State, and perused the materials placed on record.

6. In the counter affidavit, the learned counsel appearing for the State contended that though the petitioner was absorbed into Government service in the year 1981 pursuant to G.O. Ms. No. 857, he was formally allotted to a school under the Education Department only in the year 1987. Therefore,



according to the State, the petitioner's eligibility for promotion to the post of Junior Assistant ought to be reckoned only from the date of such allotment, i.e., from 1987, and not from the date of initial absorption. The State further contended that though the petitioner was granted subsequent promotions, he did not raise any grievance during his active service. Having submitted the representation only after attaining superannuation, the petitioner's claim, according to the State, is barred by delay and laches.

7. However, the materials available in the Typed Set of Papers indicate that the petitioner had been submitting representations from as early as 1981 onwards, seeking rectification of anomalies in seniority and claiming promotion on par with his juniors. It is further submitted that similarly placed employees had earlier approached this Court in W.P. No. 13559 of 2006, wherein this Court, by order dated 09.04.2012, considered the rights of absorbed employees. In paragraphs 11, 12, and 13 of the said judgment, this Court observed as follows:

“11.No doubt, the petitioner has not challenged promotion granted to his juniors, whose particulars have been furnished in the supporting affidavit of this writ petition. At the same time, the services rendered by him, both in Panchayat Union ought not to have been ignored, by citing G.O.Ms.No.1924, Education, dated 04.12.1987. The contention of the respondents that the services



rendered in Panchayat Union cannot be reckoned for seniority, is not tenable, in view of the fact that the petitioner continued in the Education Department. He cannot be treated as a deputationist, after induction. Termination of lien is a tripartite arrangement and without the consent of the Government Servant, it cannot be said that the petitioner and others who were inducted in Education Department, would lose all their rights accrued in the latter department. At this juncture, it is also to be noted that the petitioner had not sent to the parent department, and he has also withdrawn his option to revert. In such circumstances, without there being any order of being passed, the services rendered in the first department cannot be ignored.

12.The contention that the petitioner has completed SSLC and passed the required education qualifications for promotion to the post of Junior Assistant, has not been refuted. As rightly contended that when promotions have been granted to his juniors, viz., Thiru.C.Rajendran, Thiru.Rooliraj, Thiru.Rangaraj, as Junior Assistants in the years 1992 and 1982 respectively, who have joined the Education Department only in the year 1985 and 1982 respectively, the case of the petitioner ought to have been considered, as he is admittedly senior to them in the feeder category post. The contention that the petitioner has been promoted only as Record Clerk in the year 2002, and therefore not entitled to be promoted as Junior Assistant is not tenable. When the promotion has been granted to his juniors, before bifurcation, the same ought to have been applied, without ignoring the services rendered in panchayat services. If the same had been taken into consideration, the petitioner is fully eligible.



13. Once the Government have passed orders, inducting him in Education Department, the services rendered in Panchayat Union Schools, as Office Assistant, also ought to have been taken into consideration for the purpose of reckoning the seniority. In such a view of the matter, there shall be a direction to the respondents to consider the case of the petitioner for promotion to the Junior Assistant, from the date on which, his juniors were promoted, with all service and monetary benefits, within a period of three months from the date of receipt of a copy of this order. The petitioner has retired from service and therefore, the retiral benefits also have to be revised subsequently.”

8. The Coordinate Bench of this Court has categorically held that, for the purpose of promotion, the seniority based on the services rendered in the Panchayat Union must be reckoned along with the service rendered in the Education Department. The Bench further clarified that once the Government issued orders inducting the staff into the Education Department as absorbed employees, the services rendered in the Panchayat Union, being substantial and continuous in nature, must be taken into consideration for the purpose of reckoning seniority. Consequently, a direction was issued to consider the case of the petitioners therein for promotion to the post of Junior Assistant from the date on which their juniors were promoted. As the said order has attained finality and has been duly implemented by the respondents, the present



petitioner, being similarly situated, is entitled to the same benefits on the ground of parity.

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9. Accordingly, the Writ Petition stands allowed, and the impugned order passed by the respondents is hereby quashed, with the following directions:

10. The respondents are directed to consider the case of the petitioner for notional promotion to the post of Junior Assistant, with effect from the date on which his juniors were promoted, together with all consequential monetary benefits. The respondents are further directed to revise the petitioner's pensionary benefits arising out of such notional promotion. This exercise shall be completed within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

02-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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WEB COPY

WP No. 24033 of 2



HEMANT CHANDANGOUDAR, J.

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To

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Education, DPI Campus, College Road,
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