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WA No. 2616 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**RESERVED ON: 06-02-2026**

**PRONOUNCED ON: 12-02-2026**

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM  
AND  
THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

**WA No. 2616 of 2022**  
**AND**  
**CMP No. 20757 of 2022**

1. The Government of Tamil Nadu  
Rep by its Secretary,  
Rural Development Department,  
Fort St George,  
Chennai 9.

2. The Director of Rural Development  
Panagal Building,  
Saidepet,  
Chennai 15.

3. The District Collector  
Sivagangai District.

Appellant(s)

Vs

1. M.Rajesh Kumar  
S/o Marimuthu,  
Presently Residing at No 2/285D,  
1<sup>st</sup> Street, Rose Building,  
Katamban Nagar,  
Karanodai, Chennai 67.

Respondent(s)



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**PRAYER**

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Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 14.03.2022 made in W.P.No.11568 of 2011 and allow this writ appeal.

For Appellant(s): Dr.S.Surya  
Additional Government Pleader

For Respondent(s): Mr.K.Raja  
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### **JUDGMENT**

*(Judgment of the Court was made by C.Kumarappan J.)*

The present Writ Appeal has been filed assailing the order of the learned Single Judge dated 14.03.2022 by and in which, the learned Single Judge quashed the impugned order and directed the appellants herein to notionally promote the respondent herein as Rural Welfare Officer Grade-I by including his name in the panel for the year 2000 along with all service and monetary benefits.

2.For convenience sake, the parties will be referred to according to their litigative status before the Writ Court.



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3.The learned Additional Government Pleader appearing for the appellants/respondents would contend that the petitioner was initially appointed as a Junior Assistant in Thanjavur District on 21.04.1994. Thereafter, he was transferred to Sivagangai District on 14.12.1998 and that due to the long leave on loss of pay, the probation of the petitioner was delayed and his probation was declared on 31.05.1999. Immediately on declaration of the probation, he was sent for Bhavanisagar training as well as posted as Rural Welfare Officer Grade-II. Therefore, absolutely there were no lapses on the part of the Department and that the petitioner was considered for promotion immediately after he satisfied the required eligibility criteria. Accordingly, the promotion of the petitioner on 26.05.2003 cannot be found to be delayed one. Hence, prayed to interfere with the order of the learned Single Judge.

4.*Per contra*, the learned counsel appearing for the respondent/petitioner would vehemently contend that there was no fault on the part of the petitioner, as he passed in the departmental exam on 31.05.1999 and his probation was also declared on the same day, whereas, there was a delay to send for Bhavanisagar training, as well as to post in Rural Welfare Officer Grade-II, which are the essential eligibility criteria to be considered for the post of Rural Welfare



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Officer Grade-I. It is the further submission of the learned counsel that there is administrative delay in posting the petitioner to the post of Rural Welfare Officer Grade-II, hence, the same cannot be put against the petitioner, as the posting of an employee to a particular post lies within the domain of the authorities. Therefore, the lapses on the part of the respondents caused delay in the consideration of the promotion to the petitioner. Hence, would contend that the order of the learned Single Judge is well merited and not required any interference.

5. We have given our anxious consideration to either side submissions.

6. The petitioner was initially appointed as Junior Assistant in Thanjavur District on 21.04.1994 and by way of one way transfer, he was transferred to Sivagangai District on 14.12.1998. He passed departmental exam on 31.05.1999. Immediately thereafter, without any delay, his probation was declared on 31.05.1999. For a person to be considered to the post of Rural Welfare Officer Grade-I, he should have completed his probation, and he must have a foundational training at Bhavanisagar. Apart from the above, it is also essential that he should serve as Rural Welfare Officer Grade-II for a period of



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one year. In the case in hand, immediately after completion of probation qua 31.05.1999, the petitioner was sent to Bhavanisagar training on 05.07.2000, in which this Court could not find any abnormal delay so as to find fault with the respondents.

7. Similarly, after completion of the foundational training, he was posted as Rural Welfare Officer Grade-II during 2001 and he served in the said post between 15.09.2001 to 14.09.2002. According to the present facts, he became possessed all the required eligibility criteria only in the month of September 2002. Hence, he became eligible to be considered for the panel year 2003-2004 and he was promoted on 24.04.2003.

8. The learned counsel for the petitioner would contend that as the probation period was completed on 31.05.1999, the petitioner ought to have been immediately sent to Bhavanisagar training, and ought to have been posted in Rural Welfare Officer Grade-II posting so as to qualify himself for the next promotional level post. But, as a matter of fact, between 13.09.1994 to 10.12.1998, the petitioner took leave on loss of pay for more than 524 days.



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9.As rightly contended by the learned Additional Government Pleader, had the petitioner diligently worked and had passed departmental exam without any delay, he would have been eligible for promotion prior in point of time. As rightly contended by the learned Additional Government Pleader, the petitioner having lethargic and casual in his duty between 1994-1998, all of a sudden, cannot be more active in claiming promotion as a matter of right. In the instant case, from the dates referred hereinabove, the department has with all due diligence, posted the petitioner immediately on arising of vacancy. While looking at the facts, within a reasonable time, the petitioner was sent to training on 05.07.2000 and that he was immediately posted in the cadre of Rural Welfare Officer on 15.09.2001. From the above factual narration, this Court could not find any abnormal delay in the action of the Department.

10.It is well settled principle of law that the promotion is not a fundamental right, however, consideration for promotion is the fundamental right. In the case in hand, the main reason for not considering the petitioner prior in point of time was on account of non possession of the required eligibility criteria. However, the learned counsel for the petitioner would contend that only because of the delay on the part of the respondents, he could



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not acquire the required eligibility criteria at the relevant point of time. Though such argument appears to be attractive, while looking at the above factual position, this Court could not find any abnormal delay on the part of the respondents. Furthermore, as rightly contended by the learned Additional Government Pleader, even the petitioner was at fault in not securing pass in the departmental examination, immediately after his joining in the year 1994, and was very lethargic and irregular in his duty and took leave on loss of pay for more than 524 days.

11. An employee, who took 524 days leave on loss of pay within a period of four years immediately after joining service, cannot claim any equity so as to find fault with the department, as we could not see any deliberate delay on the part of the department. Further, there are no *mala fide* pleaded against the authority. In the administration of Government Department, we cannot expect a mathematical precision of posting of the employee in a particular post so as to make him to have a required eligibility criteria, which depends upon the various factor. What we need to see is that, is there any motivated abnormal delay of deliberate omission in such action? While looking at the factual position, this Court could not find any abnormal delay or deliberate omission. Accordingly, we do not find any infirmity in the rejection order passed by the respondents.



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**WEB COPY** 12. In view of the above detailed discussion, we are of the firm view that the order of the learned Single Judge is liable to be interfered with. Accordingly, the present Writ Appeal is allowed by setting aside the impugned writ order dated 14.03.2022 made in W.P.No.11568 of 2011. No costs. Consequently, connected CMP is also closed.

**(S.M.SUBRAMANIAM J.)(C.KUMARAPPAN J.)**  
**12-02-2026**

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