



W.P.Nos.12215 & 12413 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 02.07.2026

Pronounced on : 10.07.2026

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.Nos.12215 & 12413 of 2020

and

WMP.Nos.14971, 15304 & 15306 of 2020

K.Santhi
W/o. Kamarajan,
Assistant/Accountant,
Regional Transport Office,
Tambaram, Chennai – 600 045.

... Petitioner in W.P.No.12215/2020

M.Latha
W/o. P.Shanmugam,
Assistant,
Regional Transport Office,
Chennai (South West),
Chennai – 600 092.

... Petitioner in W.P.No.12413/2020

vs

1. The Secretary to Government
Home (Transport – II) Department,
Fort St. George, Chennai – 600 009.
2. The Principal Secretary/
Transport Commissioner,
Chepauk, Chennai – 600 005.



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3. The Secretary,
T.N.Public Service Commission,
TNPSC Road, VOC Nagar,
Chennai – 600 003.

... Respondents in both petitions

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in connection with the impugned inter se seniority list notified by him in his R.No.24449/R3/2016 EO No.191/2018 dated 23.05.2018 and consequential order passed by the second respondent in Letter No.41256/RA2/2019 dated 27.07.2020 and quash the same insofar as the petitioner is concerned and direct the respondents to revise the seniority of the petitioner in the cadre of Assistant and place her in the appropriate place by taking into consideration the date of initial appointment as Steno-Typist, Grade – III for the purpose of promotion to the post of Superintendent and further direct the respondents consider her claim for promotion as Superintendent for the year 2019-2020 and grant her all consequential service and monetary benefits.

For Petitioner
in both petitions : Mr.R.Deepika Sonali
for Mr.Muthappan

For Respondents
in both petitions : Mr.C.P.Goutham
Government Advocate for R1 & R2
: Mr.B.Vijay
Standing Counsel for R3



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COMMON ORDER

WEB COPY Since the *lis* involved in both writ petitions is one and the same, they are heard together and are being disposed of by this common order.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents 1 and 2 and the learned Standing Counsel for the respondent-3 and perused the records.

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3. The case of the petitioner in brief is that she was appointed as Steno-Typist Grade – III on 01.11.2010 after being selected through the selection process undertaken by the third respondent and was working in the office of the Transport Commissioner, Chennai; and that her probation was declared on 31.10.2012.

4. It is the further case of the petitioner that the second respondent, by proceedings dated 20.02.2017, had transferred her as Assistant by including her name in the panel of Junior Assistant/Typist/Steno-Typist Grade-III found fit for promotion to the post of Assistant for the year 2016-2017 and had posted her to



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serve in the office of the Joint Transport Commissioner, South Zone, who in turn posted her to serve in the Regional Transport Office, Meenambakkam in the existing vacancies *vide* proceedings dated 20.02.2017.

5. Petitioner contends that on account of being transferred to work as an Assistant in the office of the Regional Transport Authority, Meenambakkam, there has been no increase in her salary, as such post is not considered a promotional post and the same is equivalent to Steno-typist Grade – III.

6. It is the further case of the petitioner that while she was fully qualified to the post of Superintendent, having put in more than five years of service after her initial joining in November 2010, the first respondent had notified a tentative inter se seniority list among the directly recruited Assistants and promoted Assistants *vide* proceedings dated 23.05.2018, wherein the name of the petitioner was included at Serial No.318 by taking into consideration her promotion to the post of Assistant as on 20.02.2017; that the appointment to the post of Assistant on 20.02.2017, by the proceedings of the second respondent, is not by way of promotion but is only a change of cadre from Steno-typist Grade – III to Assistant

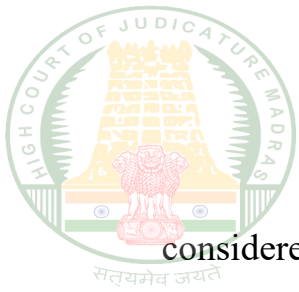


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without any increase in salary, both the posts i.e., Assistant and Steno-typist Grade -III having the same pay-scale; that merely on account of being designated as Assistant, the respondents cannot consider the said post as a promotional avenue from the post of Steno-Typist Grade – III, when there has been no increase in pay; and that the posts of Assistant/Steno-Typist Grade – III/Typist being considered equivalent posts.

7. Petitioner further contended that since, the scale of pay for the post of Assistant is one and the same as that of Steno-Typist Grade – III, the petitioner is entitled for considering her date of first appointment as Steno-Typist Grade-III for the purpose of fixing her seniority as per Rule 35 (b) of the State and Subordinate Service Rules; and that the respondents, without taking note of the said Rule and also the fact that the scale of pay of Steno-Typist Grade – III and the Assistant who were serving in the Ministerial Service is one and the same, had wrongly placed her in the seniority list by taking her date of joining in the post of Assistant on 20.02.2017 as the date of promotion to the said post.

8. Petitioner thus contended that the respondents ought to have



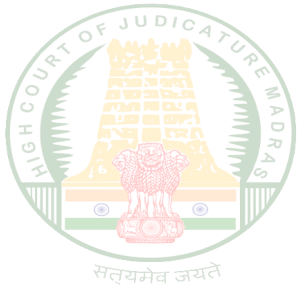
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considered her first appointment to the post of Steno-Typist Grade – III for the purpose of fixing seniority and thus, her seniority fixed at Serial No.318 has been fixed improperly and not in accordance with the Service Rules.

9. Contending as above, the petitioner seeks for quashing the proceedings of the first respondent dated 23.05.2018 notifying the inter se seniority in the post of Assistant and the consequential order passed by the second respondent on 27.07.2020 and to direct the respondents to revise the seniority of the petitioner by placing her in the appropriate place by taking into consideration the date of initial appointment as Steno-Typist Grade – III for the purpose of promotion to the post of Superintendent and to grant all consequential services and monetary benefits.

10. Contending as above, the petitioner placed reliance on the decision of the Division Bench of the Madurai Bench of this Court dated 11.01.2024 in W.P. (MD).No.1402 of 2014.

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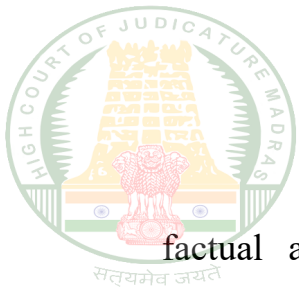


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11. The case of the petitioner in this writ petition is same as that of the petitioner in the other writ petition. The only change in the facts of the case in this writ petition is that the petitioner was appointed as a Steno-Typist Grade – III on 12.10.2010 and reported duty on 01.11.2010; that her services were regularized on completion of probation; that her probation was declared on 30.11.2012; that she was issued with an order of transfer of service as Assistant under Rule 39 (a) (I) of Tamil Nadu State Subordinate Service Rules and posted in the existing vacancy in the Regional Transport Office, Chennai East, by the proceedings of the Joint Transport Commissioner dated 28.02.2013; that the petitioner was relieved from the post of Steno-Typist Grade – III from the office of the State Transport Authority, Chennai on 07.03.2013 and joined in the post of Assistant in the Regional Transport Office, Chennai East thereafter.

12. Counter affidavit on behalf of the first and second respondent in the writ petitions is filed.

13. The respondents by the counter affidavit while not denying the



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factual aspects, however, contended that the writ petitioners did not fully understand the strength of Rule 35 (b) of the Tamil Nadu State Subordinate Service Rules, which stood repealed, and in its place the corresponding Section 40 (3) of the Tamil Nadu Government Servants (Conditions of Service), Act, 2016, (for short 'Act, 2016') which was enacted; that Section 40 (3) of the Act, 2016 empowers the Appointing Authority to fix the seniority in case any difficulty or doubt arising in applying the said provision; that as per Rule 30 (b) of the Tamil Nadu Ministerial Service Rules, every Assistant has to acquire the service qualification to get promotion to the post of Superintendent; that the date of entry into service as Steno-Typist Grade – III cannot be taken for fixing the seniority in the cadre of Assistant; that according to the Rule 9 (f) of the Tamil Nadu Ministerial Service Rules, a Steno-Typist Grade – III should work for not less than five years to get appointed as Assistant by means of transfer; that the said Rule clearly indicates that five years of service is a minimum qualification for appointment as Assistant; thus, the qualifying service cannot be reckoned for the purpose of determining the seniority in the post of Assistant; and that seniority can only be fixed from the date of joining as Assistant.

14. Contending as above, the respondents seek for dismissal of the writ



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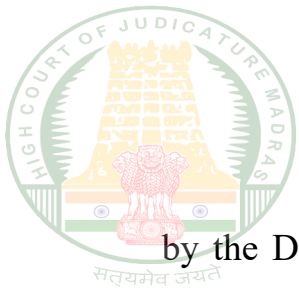
petitions.

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15. I have taken note of the respective contentions as urged.

16. Though the respondents by the counter affidavit had claimed that the date of the petitioner's initial appointment cannot be taken into account for the purpose of fixing seniority, the said stand taken by the respondents by their counter affidavit was subject matter of consideration before the Madurai Bench of this Court in a writ petition; and that the Division Bench did not accept the said contention in the case of ***Director of Rural Development and Panchayat Raj and another vs. B.Siddharthan and another – 2024 SCC Online Mad 301***, wherein the Division Bench of this Court (Madurai Bench) *vide* its order dated 11.01.2024, while allowing the writ appeal, had directed that the seniority of the petitioner therein has to be reckoned atleast from the date of completion of the qualifying service in the cadre of Steno-Typist Grade – III and not from the initial date of appointment in the said cadre.

17. Since, the first respondent while notifying the tentative inter se seniority list, having taken the date of the petitioner's joining in the post of Assistant as the date for fixing seniority, which has now been held to be not correct



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by the Division Bench, as stated herein above, this Court is of the view that the impugned proceedings cannot be sustained.

18. Accordingly, these writ petitions are allowed and the impugned proceedings are set aside and the first respondent is directed to determine the seniority of the petitioner for promotion to the post of Superintendent from the date of completion of the qualifying service in the cadre of Steno-Typist Grade – III and to grant the consequential benefits to the petitioners both of service and monetary on and from the date they became eligible. Consequently, connected miscellaneous petitions are closed. No order as to costs.

10.07.2026

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dh

To

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10/12



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T. VINOD KUMAR, J.

dh

Order made in
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