

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :13.03.2015

CORAM:

The Honourable Mr.Justice K.K.SASIDHARAN

W.P.No.3742 and 7052 of 2013
& M.P.Nos.2,3 and 4 of 2013 & M.P.No.1 of 2015
in W.P.No.3742 of 2013
& M.P.No.2 of 2013 in W.P.No.7052 of 2013

W.P.No.3742 of 2013

1. Tamil Nadu Government Statistical
Subordinate Officers Association
General Secretary
P. Anthuvan Seral
having his office at
D.M.S. Campus
Chennai-600 006.
2. S. KrishnanPetitioners

- Vs.-

1. The Government of Tamil Nadu
Rep. by its Secretary
Planning and Development Department
Secretariat
Chennai-600 009.
2. The Principal Secretary and Director
Department of Economics and Statistics
D.M.S. Compound
Chennai-600 006.
3. The Tamil Nadu Public Service Commission
Rep. by its Secretary
Chennai-600 003.Respondents

W.P.No.7052 of 2013:

R. MuruganPetitioner

-Vs.-

1. State of Tamil Nadu
rep. by its Additional Secretary to Government
Planning, Development and
Special Initiatives Department
Fort St. George
Chennai-600 009.
2. The Principal Secretary and Director
Directorate of Economics and Statistics
DMS Compound
College Road
Chennai-600 006.
3. The Secretary
Tamil Nadu Public Service Commission
No.3, Frazer Bridge Road
VOC Nagar
Park Town
Chennai-600 003. ...Respondents

Prayer in W.P.No.3742 of 2013 : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records from the third respondent relating to the impugned notification No.1 of 2013 Tamil Nadu Public Service Commission dated 10 January 2013 and quash the same and consequently direct the 1st and 2nd respondents to fill up the posts of Assistant Director of Statistics by recruitment by transfer on promotion in accordance with rules.

Prayer in W.P.No.7052 of 2013 : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the notification issued by the third respondent in Notification No.1/2013 dated 10 January 2013 and quash the same insofar as quantification of number of vacancies to the post of Assistant Director of Statistics as 51.

For Petitioners
in W.P.No.3742 of 2013 : Mr.K. Srinivasamurthy

For Petitioner
in W.P.No.7052 of 2013 : Mr.G. Sankaran

For Respondents
in both W.Ps : Mr.M.S.Ramesh
Addl. Govt. Pleader
for RR1 and 2

Mr.N.S.Nandakumar
for R.3

ORDER

The notification issued by the Tamil Nadu Public Service Commission is challenged by the petitioners on the ground that direct recruitment is contemplated beyond the quota reserved for selection from open market.

2. The first petitioner in W.P.No.3742 of 2013 is an association of Tamil Nadu Government Statistical Subordinate Officers and the second petitioner is a Statistical Inspector. The petitioner in W.P.No.7052 of 2013 is also working as Statistical Inspector.

3. The next avenue of promotion is to the post of Assistant Director of Statistics. The Government have amended Special Rules for Tamil Nadu Statistics Services by order in G.O.Ms.No.155, Planning and Development Department, dated 22 October 1991. The Government have fixed ratio between Recruitment by Transfer and Direct Recruitment. As per the ratio 20% of the vacancies to the post of Assistant Director of Statistics are earmarked for being filled up through Direct Recruitment as per rotation. It is the grievance of the petitioner that the respondents are contemplating to appoint more than 20% of the total posts by direct recruitment. The notification issued by the Tamil Nadu Public Service Commission is therefore challenged on the ground of excess recruitment beyond the quota.

4. When the writ petitions were taken up for consideration, the learned Additional Government Pleader produced a copy of the letter dated 9 February 2015 sent by the Principal Secretary to Government to the Tamil Nadu Public Service Commission. The Government requested the Service Commission to restrict the number of vacancies earmarked for direct recruitment for the years from 2000-2001 to 2013-2014 as 23 as against 51 vacancies notified. The relevant paragraph reads thus:

"4. In this connection, I am to state that the proportion of all vacancies in the category of Assistant Director of Statistics to be filled or reserved to be filled between the methods of Recruitment by Transfer and Direct Recruitment shall be in the order of rotation as 2:1:2. This implies that the percentage of direct recruitment is to be 20% of the total cadre strength of Assistant Director. The present total cadre strength for the post of Assistant Director of Statistics is 114 (permanent 82 & Temporary 32). 20% of 114 posts works out to 23 posts. When vacancies of each year are cumulated and recruitment is done with a lag, the number of direct recruits far exceeds 20% of the total cadre

strength of Assistant Directors. Assistant Directors of Statistics recruited through direct recruitment at any point even after carryover and culmination of vacancies cannot exceed this number. Hence, it has been decided to restrict the number of vacancies earmarked for Assistant Director of Statistics through direct recruitment for the years from 2000-2001 to 2013 -2014 as "23" as against the already vacancies notified as "51"

5. The Government have now made it very clear that only 20% of the total cadre strength of Assistant Director of Statistics would be filled up through direct recruitment. The Government have adjusted the vacancies in such a manner that direct Recruitment would not exceed more than 20%. In view of the decision now taken by the Government nothing survives of adjudication in these writ petitions.

6. The writ petitions are disposed of with the above observation. Consequently the connected MPs are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Tr/
To

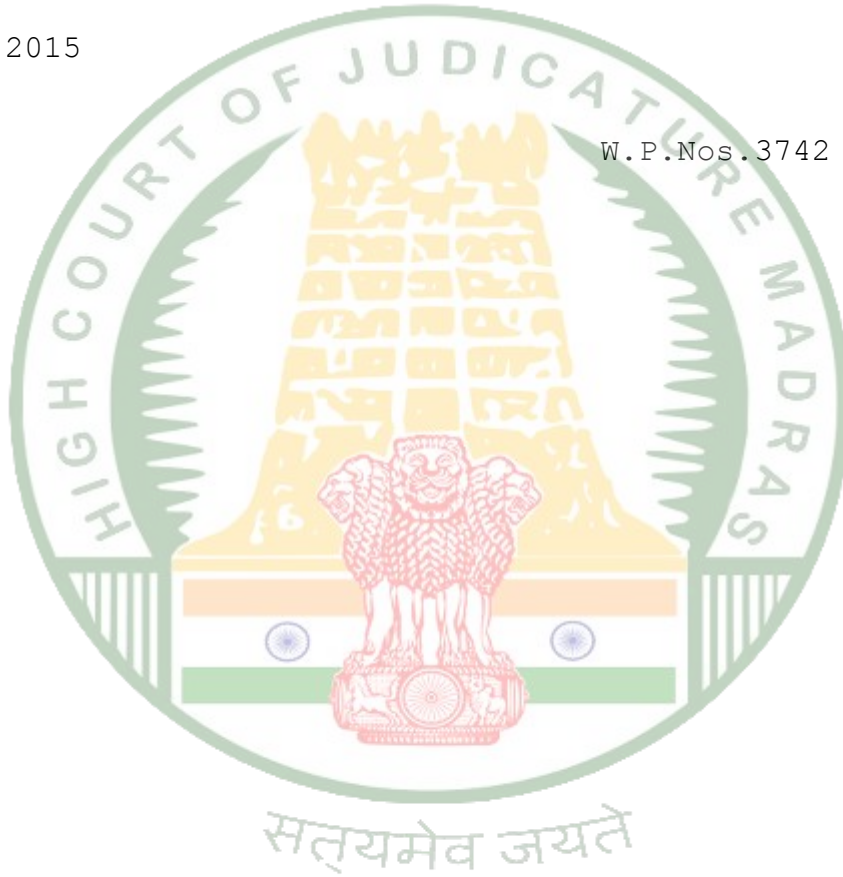
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4. The Additional Secretary to Government
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Fort St. George
Chennai-600 009.

+ 1 cc to Mr.G. Sankaran, Advocate SR.14959
+ 1 cc to M/s. Row & Reddy, Advocate SR.14534
+ 1 cc to Mr.R. Rengaramanujam, Advocate SR.14332
+ 1 cc Government Pleader Sr.14534

VSN(CO)
EU 01.04.2015

W.P.Nos.3742 and 7052 of 2013



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