



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 20.06.2018**

CORAM

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**THE HON'BLE MR.JUSTICE R.SURESH KUMAR**

**W.P. (MD) No.13133 of 2018**

D.Sahayaraj

... Petitioner

-vs-

1. The Director of Government Examinations,  
College Road, DPI Complex,  
Chennai.
  2. The Joint Director (P) of Government Examinations  
College Road, DPI Complex,  
Chennai - 600 006.
  3. The Deputy Director of Government Examinations,  
Chinnachokkikulam  
Madurai.
- .. Respondents

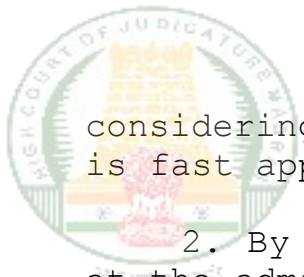
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the Director of Government Examinations, Chennai to pass appropriate orders on the petitioner's representation dated 04.05.2018 regarding the petitioner's declaration of probation, the regularization of the break period from 03.08.2010 to 05.07.2011 and sanction of increment from the year 01.04.2010 considering the factual position that his date of superannuation is fast approaching on 30.06.2020, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.D.Muruganandham  
Addl. Government Pleader

**O R D E R**

The prayer in the writ petition is for a Writ of Mandamus to direct the Director of Government Examinations, Chennai to pass appropriate orders on the petitioner's representation dated 04.05.2018 regarding the petitioner's declaration of probation, the regularization of the break period from 03.08.2010 to 05.07.2011 and sanction of increment from the year 01.04.2010



considering the factual position that his date of superannuation is fast approaching on 30.06.2020.

2. By consent of both sides, the writ petition is disposed of at the admission stage itself.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who accepts notice for the respondents.

4. The learned counsel for the petitioner would submit that, the petitioner is working as Junior Assistant in the office of the Regional Deputy Director of Examinations, Madurai. Initially, he was appointed under consolidated pay and thereafter, he was absorbed through the TNPSC by order dated 07.05.2009. He joined accordingly on 03.06.2009 at the third respondent's office.

5. During his service, a punishment of stoppage of increment for one year was inflicted against him on 01.12.2016. Subsequently, the said punishment had been modified to three months without cumulative effect by order dated 18.04.2018.

6. Presently, the grievance of the petitioner is that though he joined service on 03.06.2009, after absorption by the TNPSC, his probation has not yet been declared, with the result, the petitioner is not able to get the increment and his break in service between 03.08.2010 to 05.07.2011 also has not been regularised. Since the petitioner is superannuating by June 2020, he had made a request on 04.05.2018 to the respondents to declare his probation and to regularise his break in service.

7. The learned counsel for the petitioner would submit that if the said representation of the petitioner dated 04.05.2018 is directed to be considered by the respondents, on merits and in accordance with law within a time frame, the petitioner would be satisfied.

8. I have heard the learned Additional Government Pleader, who would submit that, the said request of the petitioner dated 04.05.2018 would be considered on merits and in accordance with law within a time frame.

9. Considering the said submissions made by both sides, this Court is inclined to pass the following order:

"That the first respondent is directed to pass orders on the representation of the petitioner dated 04.05.2018, with regard to his grievance of declaration of probation as well as regularizing his break in service between 03.08.2010 and 05.07.2011 and pass orders on the same after considering the same objectively, on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order".



10. With this direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Crl side)

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/True Copy/

Sub Assistant Registrar

To:

1. The Director of Government Examinations,  
College Road, DPI Complex,  
Chennai.
  2. The Joint Director (P) of Government Examinations  
College Road, DPI Complex,  
Chennai - 600 006.
  3. The Deputy Director of Government Examinations,  
Chinnachokkikulam, Madurai.
- + 1 cc TO Mr.S.Visvalingam , Advocate in SR No. 68875  
+ 1 cc TO The Special Government Pleader in SR No. 69138

RR

AE/SKN RSK/SAR1/06.07.2018/3P/6C

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20.06.2018