

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 16.04.2019
DATE OF DECISION : 29.08.2019
CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.29677 of 2012, 12740, 15334, 10877 of 2010, 11195 of 2015, 20061, 20065 of 2016, 20173 of 2012, 26264 of 2013, 3135 of 2015, 5910, 8182 of 2011, 8989 of 2013, 9097 of 2014

- 1.C.PUSHPAVALLI
- 2.R.NAGARAJAN
- 3.K.KUMARI
- 4.M.JAGATHA
- 5.R.MANOCHARAN
- 6.J.JAYACHANDRAN
- 7.K.BHARATHI
- 8.J.JAYASEELI RAMANI
- 9.S.HEMAMALINI
- 10.K.SAMPATH KUMAR
- 11.B.BALASUBRAMANIAM
- 12.P.INDRAKALA

... PETITIONERS In W.P.No.29677 of 2012

1. P.PICHAIMANI
2. S.JAYARANI
3. P.RAJESHWARY
4. P.UMARANI
5. R.CHELLAM
6. P.NIRMALA DEVI
7. V.SRI PADMAVATHY
8. G.JANARTHANAN
9. R.VIJI
- 10.B.JECINTHA
- 11.S.UMA
- 12.N.SANTHI
- 13.B.MEENAKSHI
- 14.B.SUNDAR
- 15.S.GIRIJA

... PETITIONERS in WP No.12740 of 2010

1. M.DEIVANAI
2. M.GHANI
3. A.VICTORIA SAHAYARANI
4. S.PADMINI
5. N.SHANMUGASUNDARAJU
6. M.A.THULASILINGAM

7. J.AMUDHA
8. P.POOVARASAN
9. N.THIRUGNANAM

.. PETITIONERS in WP No.15334 of 2010

1. K.MAHALAKSHMI
2. P.GOMATHY
3. C.ARUMAIRAJ
4. K.L.REVATHI
5. M.KAMADHENU
6. P.PALLAMMAL
7. B.PADMAVATHI
8. N.LAKSHMI
9. K.SARATHAMANI
10.P.SIVAKAMI
11.K.LAKSHMI
12.J.RANI LAKSHMI BAI

.. PETITIONERS in WP No.10877 of 2010

1 C.P.MURUGESAN .. PETITIONER in WP No.11195 of 2015

1 M.RAVINDRAN .. PETITIONER in WP No.20061 of 2016

1 P.PARTHIBAN .. PETITIONER in WP No.20065 of 2016

1 S.JEYAKUMAR
2 S.RAJA PRAKASH
3 T.SELVARAJ
4 V.RAMADURAI
5 K.GOMATHI SANKARA NARAYANAN
6 C.VALLI
7 V.NEHRU
8 S.RAVI KUMAR
9 M.SUBATHRA
10 V.LAKSHMI
11 K.VIJAYALAKSHMI
12 G.SUNDARA SUBRAMANIAN
13 C.K.BALAN
14 M.SANAKKIYAN
15 K.SIVAKANI
16 M.BABY
17 K.SANKARI
18 E.SARASWATHI
19 T.ARUMUGAM
20 P.SELVI
21 G.PARVATHI
22 K.PASUPATHI
23 P.G.GEETHA
24 T.M.RAMAKRISHNAN

25 K.KALYANASUNDARAM

.. PETITIONERS in WP No.20173 of 2012

1 T.SANTHI
2 S.GEETHA

.. PETITIONERS in WP No.26264 of 2013

1 J.K.YAMUNA

.. PETITIONER in WP No.3135 of 2015

1. N.VIJAYALAKSHMI
2. K.R.JEYANTHI
3. C.CHELLAMMAL
4. A.VELUMILE
5. M.P.NALLATHAMBI
6. S.SANTHI
7. USHA S.V.
8. M.PADMAVATHY
9. R.SUSEELA
10.N.CHANDRA
11.R.SARASWATHI
12.N.RAVICHANDRAN
13.N.NARAYANAN
14.I.THAMOTHARAN
15.K.MURUGAN
16.G.RADHUMAGESH
17.J.K.YAMUNA
18.G.VENKATARAMAN
19.A.KALAIARASI
20.K.MALARVIZHI
21.K.SELVAM

.. PETITIONERS in WP No.5910 of 2011

1 C.VASANTHI
2 N.R.VASUMATHI
3 M.MANIAMMAI
4 V.L.KRISHNAN
5 M.VAITHEESWARAN
6 G.RAJI

.. PETITIONERS in WP No.8182 of 2011

1 P.NALLAMMAL
2 P.SELVI

.. PETITIONER in WP No.8989 of 2013

1 G.VENKATRAMAN

.. PETITIONER in WP No.9097 of 2014

vs

1 THE STATE OF TAMILNADU
2 REP. BY ITS SECRETARY TO GOVERNMENT SCHOOL
3 EDUCATION DEPARTMENT
4 SECRETARIAT CHENNAI-600 009.

1 THE DIRECTOR OF SCHOOL EDUCATION
2 COLLEGE ROAD
3 CHENNAI-6.

1 THE JOINT DIRECTOR OF SCHOOL EDUCATION (PERSONNEL)
2 OFFICE OF DIRECTOR OF SCHOOL EDUCATION
3 COLLEGE ROAD CHENNAI-6.

4 B.ARUNKUMAR

5 S.SIVAPRAGASAM

6 S.BALAKRISHNAN

7 V.SUNDARAPANDIAN

8 V.P.JEGADEESAN

9 V.S.SABAPATHI

(R-4 TO R-9 IMPEADED AS PER ORDER
DATED 20.03.2017 IN M.P.NO.1/2013
IN W.P.NO.29677 OF 2012)

... RESPONDENTS in WP No.29677 of 2012

1 THE SECRETARY TO GOVERNMENT
2 HEALTH AND FAMILY WELFARE DEPARTMENT
3 FORT ST. GEORGE CHENNAI-9

1 THE DIRECTOR OF MEDICAL
2 AND RURAL HEALTH SERVICES
3 D.M.S. COMPOUND
4 TEYNAMPET CHENNAI-6

1 THE DIRECTOR OF MEDICAL
2 EDUCATION KILPAUK
3 CHENNAI-10

4 N.DHANDAPANI

5 S.L.SARAVANAN

6 S.ARUNACHALAM

7 MELVIN VICTOR

8 P.GOPINATH

9 A.SAMUEL SAMPATH KUMAR

10 K.SAKTHIVEL

11 N.JEGANNATHAN

12 M.RAJENDRAN

13 E.SUNDARRAJ

14 R.MAHARAJA

15 P.KANTHAIAH

16 M.RAVISANKAR

17 N.PREMATHILAGAM

18 M.CHANDRASEKARAN

19 N.SURESH

20 R.KRISHNALEELA

21 B.RAVIKUMAR

22 SIVAKUMAR

23 NARENDRABABU

24 N.SANKAR

25 N.SUBBULAKSHMI

26 GOKILA BALASUBRAMANIAM

ALL ARE RESIDING AT NO.104/4 GOKULAM NAGAR
JAKIR AMMAPALAYAM SALEM-636 302.

[R4 TO R26-IMPLD. AS PER ORD.DT.23/01/15 BY
TRJ IN MPS.1 1&1/2014 IN WPS.12740 15334/10
& 5910/2011.]

... RESPONDENTS in WP No.12740 of 2010

- 1 THE SECRETARY TO GOVERNMENT
MICRO SMALL AND MEDIUM ENTERPRISES DEPARTMENT
FORT ST. GEORGE CHENNAI-9.
- 2 THE INDUSTRIES COMMISSIONER &
DIRECTOR OF INDUSTRIES & COMMERCE
CHEPAUK, CHENNAI-5.
- 3 PUNITHAVATHY
MANAGER (E1)/DEPUTY DIRECTOR DISTRICT
INDUSTRIES CENTRE SALEM.
- 4 N.LAKSHMINARAYANAN
DEPUTY DIRECTOR (S&S) O/O. PRINCIPAL
SECRETARY/INDUSTRIES COMMISSIONERS &
DIRECTOR OF INDUSTRIES & COMMERCE
MANDAIVELI CHENNAI-28.
- 5 D.HUSSAIN BIBI
MANAGER (VI &A)/ASSISTANT DIRECTOR DISTRICT
INDUSTRIES CENTRE VILLUPURAM.
- 6 V.ADHIMOLAM
MANAGER (E1) ASSISTANT DIRECTOR DISTRICT
INDUSTRIES CENTRE SIVAGANGAI.
- 7 J.VASUKI
SUPERINTENDENT DISTRICT INDUSTRIES CENTRE
THIRUVANNAMALAI.
- 8 J.SELVARAJ
SUPERINTENDENT DISTRICT INDUSTRIES CENTRE
COIMBATORE.
- 9 K.RANGASAMY
MANAGER (E1)/ASSISTANT DIRECTOR DISTRICT
INDUSTRIES CENTRE PUDUKOTTAI.
- 10 G.SAMRAJ SEELAN
MANAGER (VI&A)/ ASSISTANT DIRECTOR
DISTRICT INDUSTRIES CENTRE PUDUKOTTAI.
- 11 M.HILLARY
MANAGER (VI & A) / ASSISTANT DIRECTOR
DISTRICT INDUSTRIES CENTRE TIRUNELVELI.
- 12 C.SELVARAJ
SUPERVEY & STATISTICAL INSPECTOR O/O.
PRINCIPAL SECRETARY/INDUSTRIES COMMISSIONER
& DISTRICT INDUSTRIES CENTRE MANDAIVELI, CHENNAI-28.

- 13 A.MANGAYARKARASI
MANAGER (VI & A) / ASSISTANT DIRECTOR
DISTRICT INDUSTRIES CENTRE TRICHY.
- 14 K.GANESAN
SURVEY AND STATISTICAL INSPECTOR DISTRICT
INDUSTRIES CENTRE VILLUPURAM.
- 15 T.KALYANASUNDARAM
SURVEY AND STATISTICAL INSPECTOR O/O.
REGIONAL JOINT DIRECTOR DEPARTMENT OF
INDUSTRIES AND COMMERCE GUINDY CHENNAI-32.
- 16 T.VAIDEKI
MANAGER (VI & A) DISTRICT INDUSTRIES CENTRE, TANJAVUR.
- 17 E.CHANDRAN
SURVEY AND STATISTICAL INSPECTOR DISTRICT
INDUSTRIES CENTRE KARUR.
- 18 S.AMUTHA
SUPERINTENDENT O/O.PRINCIPAL
SECRETARY/INDUSTRIES COMMISSIONER &
DISTRICT INDUSTRIES CENTRE MANDAIVELI, CHENNAI-28.
- 19 V.VISWANATHAN SUPERINTENDENT
TECHNICAL TRAINING CENTRE GUINDY CH-32.
[R3TOR19-IMPLD.AS PER ORD.DT.23/01/15 BY TRJ
IN MPS.1 1&1/14 IN WPS.12740 15334/10 &
5910/11.]
... RESPONDENTS in WP No.15334 of 2010
- 1 THE SECRETARY TO GOVERNMENT
LABOUR AND EMPLOYMENT DEPT.
FORT ST.GEORGE, CHENNAI 9.
सत्यमेव जयते
- 2 THE COMMISSIONER OF LABOUR
DMS COMPLEX 259 ANNA SALAI
CHENNAI 6.
... RESPONDENTS in WP No.10877 of 2010
- 1 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY TO GOVERNMENT LABOUR
& EMPLOYMENT DEPARTMENT SECRETARIAT
FORT ST. GEORGE CHENNAI-9.

2 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY TO GOVERNMENT
PERSONNEL & ADMINISTRATIVE REFORMS
DEPARTMENT SECRETARIAT FORT ST.GEORGE
CHENNAI-9.

3 THE COMMISSIONER OF LABOUR
DMS COMPLEX NO.259 ANNA SALAI CHENNAI-6.

4 S.JAMBAGAM
ASSISTANT INSPECTOR OF LABOUR 2ND CIRCLE
PONNI AMMAN KOVIL STREET SAYINATHAPURAM
VELLORE.

5 S.FRANCIS XAVIER
ASSISTANT INSPECTOR OF LABOUR MOUNT
CHENNAI-32.

6 C.AMBIKA
SUPERINTENDENT OFFICE OF THE COMMISSIONER
OF LABOUR CHENNAI.

... RESPONDENTS in WP No.11195 of 2015

1 THE GOVERNMENT OF TAMIL NADU
REP. BY ITS SECRETARY PERSONNEL &
ADMINISTRATIVE REFORMS DEPARTMENT FORT ST.
GEORGE CHENNAI-9

2 THE GOVERNMENT OF TAMIL NADU
REP. BY ITS PRINCIPAL SECRETARY HOME
(POLICE-V) DEPARTMENT FORT ST. GEORGE
CHENNAI-9

3 THE DIRECTOR GENERAL OF POLICE
TAMIL NADU OFFICE AT KAMARAJAR SALAI
CHENNAI-4.

... RESPONDENTS in WP No.20061 of 2016

1 THE GOVERNMENT OF TAMILNADU
REP.BY ITS SECRETARY PERSONNEL &
ADMINISTRATIVE REFORMS DEPARTMENT
FORT ST.GEORGE CHENNAI-600 009.

2 THE GOVERNMENT OF TAMILNADU
REP.BY ITS PRINCIPAL SECRETARY HOME (POLICE-
V) DEPARTMENT FORT ST.GEORGE
CHENNAI-600 009.

3 THE DIRECTOR GENERAL OF POLICE
TAMIL NADU OFFICE AT KAMARAJAR SALAI
CHENNAI-600 004.

... RESPONDENTS in WP No.20065 of 2016

1 THE SECRETARY TO GOVERNMENT
CO-OPERATION FOOD & CONSUMER PROTECTION
DEPARTMENT FORT ST.GEORGE
CHENNAI-9.

2 THE REGISTRAR OF CO-OPERATIVE SOCIETIES
N.V.N.NATARAJAN MALIGAI
KILPAUK, CHENNAI-10.

... RESPONDENTS IN WP.NO.20173 OF 2012

1 THE SECRETARY TO GOVERNMENT
COOPERATION FOOD AND CONSUMER PROTECTION
DEPARTMENT FORT ST. GEORGE CHENNAI 9

2 THE REGISTRAR OF COOPERATIVE
SOCIETIES N.V.N. NATARAJAN MALIGAI KILPAUK
CHENNAI 10

... RESPONDENTS in WP No.26264 of 2013

1 THE SECRETARY TO GOVERNMENT
AGRICULTURE DEPARTMENT SECRETARIAT
FORT ST.GEORGE CHENNAI 600 009

2 THE COMMISSIONER
AGRICULTURE DEPARTMENT CHEPAUK
CHENNAI 600 005

3 K.MOHANDAS
SUPERINTENDENT O/O.JOINT DIRECTOR OF
AGRICULTURE PUDUKOTTAI

4 TMT.ARUL
SUPERINTENDENT OFFICE OF EXECUTIVE ENGINEER
ARANTHANGI PUDUKOTTAI DISTRICT

5 R.THANGADURAI
ASSISTANT OFFICE OF DIRECTOR OF
HORTICULTURE AND PLANTATION, CHEPAUK, CHENNAI 600 005

6 S.BALAJI
ASSISTANT OFFICE OF CHIEF
ENGINEER(AGRICULTURE ENGINEERING DEPARTMENT)
NANDANAM CHENNAI 600 035

7 M.SUSEELA
ASSISTANT OFFICE OF EXECUTIVE ENGINEER
AGRICULTURE ENGINEERING DEPARTMENT THENI

8 R.SELVARAJ
ASSISTANT OFFICE OF EXECUTIVE ENGINEER
AGRICULTURE ENGINEERING DEPARTMENT METTUR

9 R.KANNAN
S/O.K.RAMASAMY SUPERINTENDENT
PLOT NO.19, BABU NAGAR-V NO.87,
VEPPAMPATTU, TIRUVALLUR DISTRICT - 602 024.

(R-9 IS IMPEADED AS PER ORDER
DATED:27/01/2016
T.R.J IN MP.2/2015 IN WP.3135/2015)

... RESPONDENTS in WP No.3135 of 2015

1 THE SECRETARY TO GOVERNMENT
AGRICULTURE DEPARTMENT FORT ST.GEORGE
CHENNAI-9.

2 THE COMMISSIONER OF
AGRICULTURE CHEPAUK CHENNAI-5.

3 S.BASKARAN ASSISTANT
S/O.M.SRINIVASAN O/O. THE COMMISSIONER OF
AGRICULTURE CHEPAUK CHENNAI-600 005.

4 P.GANESAN ASSISTANT
S/O.PATHAN O/O. THE COMMISSIONER OF
AGRICULTURE CHEPAUK CHENNAI-600 005.

5 T.RAJA ASSISTANT
S/O.THATHAN O/O. THE JOINT DIRECTOR OF
AGRICULTURE DHARMAPURI.

6 J.REETHA ASSISTANT
W/O.P.JABANESAN O/O. THE COMMISSIONER OF
AGRICULTURE CHEPAUK CHENNAI-600 005.
[R3 TO R6-IMPLD. AS PER ORD.DT.23/01/15 BY
TRJ IN MPS.1 1&1/14 IN WPS.12740 15334/10 &
5910/11.]

... RESPONDENTS in WP No.5910 of 2011

1 THE SECRETARY TO GOVERNMENT
AGRICULTURE DEPARTMENT FORT ST. GEORGE
CHENNAI 9.

2 THE COMMISSIONER OF
AGRICULTURE CHEPAUK CHENNAI 5.

3 R. KANNAN, S/O.K.RAMASAMY
SUPERINTENDENT, PLOT NO.19
BABU NAGAR-V, NO.87, VEPPAMPATTU,
TIRUVALLUR DISTRICT - 602 024.

(R-3 IS IMPEADED AS PER ORDER
DATED:27/01/2016
T.R. J IN MP.1/2015 IN WP.8182/2011.)

... RESPONDENTS in WP No.8182 of 2011

1 THE SECRETARY TO GOVERNMENT
COOPERATION FOOD AND CONSUMER PROTECTION
DEPARTMENT FORT ST.GEORGE CHENNAI 9

2 THE REGISTRAR OF COOPERATIVE
SOCIETIES N.V.N. NATARAJAN MALIGAI KILPAUK
CHENNAI 10

... RESPONDENTS in WP No.8989 of 2013

1 THE SECRETARY TO GOVERNMENT
AGRICULTURE DEPARTMENT SECRETARIAT FORT ST.
GEORGE CHENNAI-9

2 THE COMMISSIONER
AGRICULTURE DPEARTMENT CHEPAUK CHENNAI-5

3 A. KAMALAKANNAN
S/O.M. ARUNACHALAM ASSISTANT O/O.THE
EXECUTIVE ENGINEER (AGRICULTURAL
ENGINEERING) NANDANAM CHENNAI-35.

(R-3 IS IMPEADED AS PER ORDER DT.12.3.15 BY
TRJ IN MP.4/14 IN WP.9097/14.)

4 K.MOHANDASS
SUPERINTENDENT
O/O. THE EXECUTIVE ENGINEER
AGRICULTURAL ENGINEERING
RAMANATHAPURAM.

5 TMT.S.ARUL
ASSISTANT O/O. THE EXECUTIVE ENGINEER
AGRICULTURAL ENGINEERING, RAMANATHAPURAM.

6 G.SELVI
ASSISTANT O/O. THE EXECUTIVE ENGINEER
AGRICULTURAL ENGINEERING, RAMANATHAPURAM.

(R-4 TO R-6 ARE IMPEADED AS PER ORDER
DATED:27/01/2016 BY
T.R. J IN MP.3/2014 IN WP.9097/2014.)

... RESPONDENTS in WP No.9097 of 2014

Prayers:-

WP NP.29677 OF 2012:-

W.P.No.29677 of 2012 is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the third respondent issued in Na.Ka.No.3264/A4/E3/2011 dated 07.9.2012 and quash the same and consequently direct the respondents to re-fix the seniority of all the petitioners in the cadre of Assistant based on the combined inter-se-seniority list in the cadre of Junior Assistant/Typist/Steno Typist Grade III as per Rule 35 (a) of Tamil Nadu State and Subordinate Services and consequently promote all the petitioners to the post of Assistant and Superintendent retrospectively with effect from the date on which juniors is the combined seniority list was promoted with all monetary and consequential service benefits within the time frame to be fixed by this Hon'ble Court.

WP No.12740 of 2010:-

To direct the respondents to re-fix the seniority of all the petitioners in the cadre of Assistant, based on the combined inter-se-seniority list in the cadre of Junior Assistant / Typist / Steno-typist as per Rule 35 (a) of the Tamilnadu State and Subordinate Service Rules and consequently promote all the petitioners to the post of Assistant and Superintendent retrospectively with effect from the date on which their juniors in the combined seniority list was promoted with all monetary and consequential service benefits

WP No.15334 of 2010

To direct the respondents to re-fix the seniority of all the petitioners in the cadre of Assistant, based on the combined inter-se-seniority list in the cadre of Junior Assistant/Typist/Steno-Typist as per Rule 35(a) of the Tamil Nadu State and Subordinate Service Rules and consequently promote all the petitioners to the post of Assistant and Superintendent retrospectively with effect from the date on which their juniors in the combined seniority list was promoted with all monetary and consequential service benefits within a stipulated period

WP No.10877 of 2010:-

directing the respondents herein to fix the seniority of the petitioners in the post of Assistant based on the seniority fixed by the Department in the combined feeder category seniority list as per Rule 35 (a) and as clarified by the Government in its letter dt 22.8.2003 and as upheld by this Honourable court in its judgment made in similar covered cases vide (i) W.P.No. 12224 and 19084 of 2006 dt 11.2.2009 and (ii) W.P. No. 4712 of 2008 dt 3.4.2009 within a short date that may be fixed by this Honourable court as in the covered cases with all consequential promotions based on such seniority together with all service and monetary benefits and disburse all the arrears accrued thereon to the petitioners.

WP No.11195 of 2015:-

Directing the Respondents to re-fix the seniority of the Petitioner in the cadre of Assistant, based on the combined inter-se seniority in the cadre of Junior Assistant and Typist / Steno-typist as per Rule 35(a) of General Rules of Tamil Nadu State and Subordinate Service Rules and by taking into consideration of date of appointment in the post of Steno-typist consequent to abolition of 4:1 ratio between Junior Assistant / Typist / Steno-typist as ordered in W.A.No.1145 of 2006 dated 05.02.2008 and confirmed by the Honourable Apex Court in SLP.No.19324 of 2009 dated 13.01.2014 and consequently promote the Petitioner in the post of Assistant and Superintendent and Deputy Inspector of Labour respectively with effect from the date on which his juniors in the combined seniority list was promoted with all consequential and other service benefits.

WP No.20061 of 2016:-

Calling for the entire records which culminated in the proceedings of the second respondent in G.O. (2D) No.261, Home (Police-V) Department dated 6.5.2016 quash the same and consequently direct the respondents to include the name of the petitioner in the panel of Junior Assistants/ Steno Typists/ Typists fit for promotion as Assistants for the year 1987-1988 before the name of Tmt.T.G.Hamsa Who was appointed on 23.9.1982 at Sl.No.238 and consequential inclusion of his name in the corresponding panel of Superintendents in the appropriate place fit for promotion to the post of Personal Assistant (Administration) now re-designated as Administrative Officer with all consequential service and monetary benefits.

WP No.20065 of 2016:-

Directing the respondents to include the name of the petitioner in the panel of junior Assistants/Steno Typists/ Typists fit for promotion as Assistants for the year 1987-1988 before the name of Tmt.C.Suseela who was appointed on 04.02.1983 at Sl.No.253 and consequential inclusion of his name in the corresponding panel of Superintendents in the appropriate place fit for promotion to the post of Personal Assistant (Administration) in the light of the Judgment rendered by the Honble Supreme Court on 13.01.2014 in SLP (Civil) No.19324 of 2009 with all consequential service and monetary benefits within a time limit that may be fixed by this Honble Court.

WP No.20173 of 2012:-

To direct the Respondents to re-fix the seniority of the Petitioners in the cadre of Assistant based on the combined inter-se-seniority list in the cadre of Junior Assistant / Typist / Steno-typist as per Rule 35(a) of the Tamil Nadu State and Subordinate Service Rules and consequently promote the Petitioners to the post of Assistant and Superintendent retrospectively with effect from the date on which their juniors in the combined seniority list were promoted with all monetary and consequential service benefits within a stipulated period.

WP No.26264 of 2013

To direct the respondents to re-fix the seniority of the petitioners in the cadre of Assistant, based on the combined inter-se-seniority list in the cadre of Junior Assistant/

Typist/ Steno-typist as per Rule 35(a) of the Tamilnadu State and Subordinate Service Rules and consequently promote the petitioners to the post of Assistant and Superintendent retrospectively with effect from the date on which their juniors in the combined seniority list were promoted with all monetary and consequential service benefits within a stipulated period.

WP No.3135 of 2015

To directing the 1st and 2 respondent to re-fix the seniority of the Petitioner in the cadre of Assistant, based on the combined interse seniority list in the cadre of Junior Assistant / Typist / Steno Typist as per Rule 35(a) of Tamil Nadu State and Subordinate service Rules and consequently promote the petitioner to the post of Assistant and Superintendent retrospectively with effect from the date on which his junior in the combined seniority list was promoted, with all monetary and consequential service benefits within a time frame to be fixed by this Honble Court.

WP No.5910 of 2011

to direct the respondents to re-fix the seniority of all the petitioners in the cadre of Assistant based on the combined inter-se-seniority list in the cadre of Junior Assistant/Typist/Steno-Typist as per Rule 35 (a) of the Tamilnadu State and Subordinate Service Rules and consequently promote all the petitioners to the post of Assistant and Superintendent retrospectively with effect from the date on which their juniors in the combined seniority list was promoted with all monetary and consequential service benefits within a stipulated period.

WP No.8182 of 2011

To direct the respondents to re-fix the seniority of the petitioner in the Cadre of Assistant based on the combined Inter-se-seniority List in the cadre of Junior Assistant/Typist/ Steno-Typist as per Rule 35(a) of the Tamil Nadu State and Subordinate Service Rules and consequently promote all the petitioners to the post of Assistant and Superintendent retrospectively with effect from the date on which thier juniors in the combined Seniority List was promoted with all monetary and consequential service benefits within a stipulated period.

WP No.8989 of 2013

To direct the respondents to re-fix the seniority of the petitioners in the cadre of Assistant based on the combined inter-se-seniority list in the cadre of Junior Assistant/ Typist/ Steno Typist as per Rule 35(a) of the Tamil Nadu State and Subordinate Service Rules and consequently promote the petitioners to the post of Assistant and Superintendent retrospectively with effect from the date on which their juniors in the combined seniority list were promoted with all monetary and consequential service benefits within a stipulated period.

WP No.9097 of 2014

forbearing the respondents from preparing any panel for promotion to the post of Superintendent without revision of seniority in the post of Assistant in compliance to the orders of State Government issued in Letter No.73950/B 2002-1 dated 22.8.2003 as amended in Government letter No.60014/B/2007-3 dated 25.3.2008.

For Petitioners :: Mr.G.Sankaran
for the petitioners in
W.P.Nos.29677 of 2012, 12740 of
2010, 11195, 3135 of 2015,
5910 of 2011 and 9097 of 2014
Mr.P.Ganesan
for the petitioners in
W.P.Nos.20061, 20065 of 2016,
20173 of 2012, 26264 of 2013 and
8989 of 2013
Mr.R.Prem Narayan for the
petitioners in W.P.Nos.15334 of
2010 and 8182 of 2011

No appearance
for the petitioner in
W.P.No.10877 of 2010

For Respondents :: Mr.P.H.Aravindh Pandian
Additional Advocate General
assisted by Mrs.P.Rajalakshmi
Additional Government Pleader
for the official respondents

in all the writ petitions
(except W.P.Nos.20173 of 2012,
26264 & 8989 of 2013)

Mr.L.P.Shanmughasundaram
Special Government Pleader for
R1 & 2 in W.P.Nos.20173 of 2012,
26264 and 8989 of 2013

Mr.M.Ravi for R6 in W.P.No.3135 of
2015& for R3 in W.P.No.9097 of 2014

Mr.L.Chandrakumar for R4 to 9 in
W.P.No.29677 of 2012

Ms.Lesi Saravanan for R4 to 12 in
W.P.Nos.12740 of 2012, for R9 in
W.P.No.3135 of 2015 and for R3
in W.P.No.8182 of 2011

Mr.A.R.Suresh for
Mr.K.J.Parthasarathy for R3 to 8,12
13,15 to 19 in W.P.No.15334 of 2010

No appearance for R14 to 26 in
W.P.No.12740 of 2010,
R9 to 11 and 14 in W.P.No.15334 of
2010, R4 to 6 in W.P.No.11195 of
2015, R3 to 5, 7 and 8 in
W.P.No.3135 of 2015,
R4 to 6 in W.P.No.9097 of 2014

ORDER

Since the issue raised in the present batch of writ petitions is common, they are taken up together and disposed of by this common order.

2.1. The petitioners in W.P.No.29677 of 2012, working in Education Department, have challenged the impugned proceedings issued in Na.Ka.No.3264/A4/E3/2011 dated 7.9.2012 by the Joint Director of School Education (Personnel), to quash the same with a consequential direction to the respondents to re-fix their seniority in the cadre of Assistant, based on the combined inter-se seniority list in the cadre of Junior Assistant/Typist/Steno-Typist Grade III as per Rule 35(a) of Tamil Nadu State and Subordinate Service Rules and consequently promote all the petitioners to the post of Assistant and Superintendent retrospectively with effect from the date on which juniors in

the combined seniority list were promoted with all monetary and consequential service benefits.

2.2. The petitioners in W.P.No.12740 of 2010, working in Health Department, have prayed for issuance of a mandamus to the respondents to re-fix their seniority in the cadre of Assistant, based on the combined inter-se seniority in the cadre of Junior Assistant/Typist/Steno Typist as per Rule 35(a) of the Tamil Nadu State and Subordinate Service Rules and consequently promote them to the post of Assistant and Superintendent retrospectively with effect from the date on which their juniors in the combined seniority list were promoted with all monetary and consequential service benefits.

2.3. The petitioners in W.P.No.15334 of 2010, working in Industries Department, have prayed for issuance of a mandamus to the respondents to re-fix their seniority in the cadre of Assistant, based on the combined inter-se seniority in the cadre of Junior Assistant/Typist/Steno Typist as per Rule 35(a) of the Tamil Nadu State and Subordinate Service Rules and consequently promote them to the post of Assistant and Superintendent retrospectively with effect from the date on which their juniors in the combined seniority list were promoted with all monetary and consequential service benefits.

2.4. The petitioners in W.P.No.10877 of 2010, working in Labour and Employment Department, have prayed for issuance of a mandamus to the respondents to re-fix their seniority in the post of Assistant, based on the seniority fixed by the Department in the combined feeder category seniority list as per Rule 35(a) and as clarified by the Government in its letter dated 22.8.2003 and as upheld by this Hon'ble Court in its judgment made in similar covered cases vide (i) W.P.No.12224 and 19084 of 2006 dated 11.2.2009 and (ii) W.P.No.4712 of 2008 dated 3.4.2009 within a short date that may be fixed by this Hon'ble Court as in the covered cases with all consequential promotions based on such seniority together with all service and monetary benefits and disburse all the arrears accrued thereon to the petitioners.

2.5. The petitioner in W.P.No.11195 of 2015, working in Labour and Employment Department, has prayed for issuance of a mandamus to the respondents to re-fix his seniority in the cadre of Assistant, based on the combined inter-se seniority in the cadre of Junior Assistant and Typist/Steno Typist as per Rule 35 (a) of the General Rules of Tamil Nadu State and Subordinate Service Rules and by taking into consideration of date of appointment in the post of Steno-typist consequent to abolition of 4:1 ratio between Junior Assistant/Typist/Steno Typist as ordered in W.A.No.1145 of 2006 dated 05.02.2008 and confirmed by

the Hon'ble Apex Court in SLP No.19324 of 2009 dated 13.01.2014 and consequently promote him to the post of Assistant and Superintendent and Deputy Inspector of Labour retrospectively with effect from the date on which his juniors in the combined seniority list were promoted with all consequential and other service benefits.

2.6. The petitioner in W.P.No.20061 of 2016, working in Police Department, has challenged the impugned proceedings issued by the Principal Secretary to Government, Home (Police V) Department, the second respondent in G.O.(2D) No.261, Home (Police-V) Department dated 06.05.2016, quash the same and consequently direct the respondents to include the name of the petitioner in the panel of Junior Assistants/Steno Typists/Typists fit for promotion as Assistants for the year 1987-1988 before the name of Tmt.T.G.Hamsa who was appointed on 23.09.1982 at Sl.No.238 and consequential inclusion of his name in the corresponding panel of Superintendents in the appropriate place fit for promotion to the post of Personal Assistant (Administration) now re-designated as Administrative Officer with all consequential service and monetary benefits.

2.7. The petitioner in W.P.No.20065 of 2016, working in Police Department, has prayed for issuance of a mandamus to the respondents to include his name in the panel of Junior Assistants/Steno Typists/Typists fit for promotion as Assistants for the year 1987-1988 before the name of Tmt.C.Suseela who was appointed on 04.02.1983 at Sl.No.253 and consequential inclusion of his name in the corresponding panel of Superintendents in the appropriate place fit for promotion to the post of Personal Assistant (Administration) in the light of the judgment rendered by the Hon'ble Supreme Court on 13.01.2014 in SLP (Civil) No.19324 of 2009 with all consequential service and monetary benefits.

2.8. The petitioners in W.P.No.20173 of 2012, working in Co-operation, Food and Consumer Protection Department, have prayed for issuance of a mandamus to the respondents to re-fix their seniority in the cadre of Assistant, based on the combined inter-se seniority list in the cadre of Junior Assistant/Typist/Steno Typist as per Rule 35(a) of the Tamil Nadu State and Subordinate Service Rules and consequently promote them to the post of Assistant and Superintendent retrospectively with effect from the date on which their juniors in the combined seniority list were promoted with all monetary and consequential service benefits.

2.9. The petitioners in W.P.No.26264 of 2013, working in Co-operation, Food and Consumer Protection Department, have prayed for issuance of a mandamus to the respondents to re-fix their

seniority in the cadre of Assistant, based on the combined inter-se seniority list in the cadre of Junior Assistant/Typist/Steno Typist as per Rule 35(a) of the Tamil Nadu State and Subordinate Service Rules and consequently promote them to the post of Assistant and Superintendent retrospectively with effect from the date on which their juniors in the combined seniority list was promoted with all monetary and consequential service benefits.

2.10. The petitioner in W.P.No.3135 of 2015, working in Agriculture Department, has prayed for issuance of a mandamus to the respondents 1 & 2 to re-fix her seniority in the cadre of Assistant, based on the combined inter-se seniority list in the cadre of Junior Assistant/Typist/Steno Typist as per Rule 35(a) of the Tamil Nadu State and Subordinate Service Rules and consequently promote her to the post of Assistant and Superintendent retrospectively with effect from the date on which her juniors in the combined seniority list were promoted with all monetary and consequential service benefits.

2.11. The petitioners in W.P.No.5910 of 2011, working in Agriculture Department, have prayed for issuance of a mandamus to the respondents to re-fix their seniority in the cadre of Assistant, based on the combined inter-se seniority list in the cadre of Junior Assistant/Typist/Steno Typist as per Rule 35(a) of the Tamil Nadu State and Subordinate Service Rules and consequently promote them to the post of Assistant and Superintendent retrospectively with effect from the date on which their juniors in the combined seniority list were promoted with all monetary and consequential service benefits.

2.12. The petitioners in W.P.No.8182 of 2011, working in Agriculture Department, have prayed for issuance of a mandamus to the respondents to re-fix their seniority in the cadre of Assistant, based on the combined inter-se seniority list in the cadre of Junior Assistant/Typist/Steno Typist as per Rule 35(a) of the Tamil Nadu State and Subordinate Service Rules and consequently promote them to the post of Assistant and Superintendent retrospectively with effect from the date on which their juniors in the combined seniority list was promoted with all monetary and consequential service benefits.

2.13. The petitioners in W.P.No.8989 of 2013, working in Co-operation, Food and Consumer Protection Department, have prayed for issuance of a mandamus to the respondents to re-fix their seniority in the cadre of Assistant, based on the combined inter-se seniority list in the cadre of Junior Assistant/Typist/Steno Typist as per Rule 35(a) of the Tamil Nadu State and Subordinate Service Rules and consequently promote them to the post of Assistant and Superintendent

retrospectively with effect from the date on which their juniors in the combined seniority list was promoted with all monetary and consequential service benefits.

2.14. The petitioner in W.P.No.9097 of 2014, working in Agriculture Department, has prayed for issuance of a mandamus forbearing the respondents from preparing any panel for promotion to the post of Superintendent without revision of seniority in the post of Assistant in compliance to the orders of State Government issued in Letter No.73950/B 2002-1 dated 22.08.2003 as amended in Government Letter No.60014/B/2007-3 dated 25.03.2008.

3. Mr.G.Sankaran, learned counsel appearing for the respective petitioners, leading the arguments, submitted that when the petitioners were appointed in the post of Steno Typist through the Tamil Nadu Public Service Commission in various departments like Health, Agriculture, Education, Employment & Training etc., prior to 1.8.92, the post of Typist/Steno Typist stood identified as single category as Category 17 of the Tamil Nadu Ministerial Service Rules and the post of Junior Assistant/Typist/Steno Typist carried identical scale of pay and the next avenue of promotion is to the post of Assistant. The Tamil Nadu Public Service Commission also by a common recruitment filled up the post of Junior Assistant/Steno Typist/Typist and the posts belong to Group IV category. Moreover, a combined seniority was also maintained in the above three cadres for the promotional post of Assistant and further promotion to the post of Superintendent in the Tamil Nadu Ministerial Service following the inter-se seniority list among the three cadres. However, during the year 1992, the State Government issued G.O.Ms.No.417, Personnel and Administrative Reforms Department dated 1.12.93 and G.O.Ms.No.256, Personnel and Administrative Reforms Department dated 1.8.92 imposing a ban for promotion to the post of Assistant from the category of Steno Typist with effect from 1.8.92. Resultantly, the Steno Typists were deprived of their promotion to the post of Assistant, whereas the other counter parts of the common category, namely, Junior Assistant/Typist were given promotion to the post of Assistant and Junior Employment Officer without any hindrance and number of juniors to the petitioners were also given promotion to the post of Assistant and Junior Employment Officer. Even prior to 1.8.92, there was a ratio of 4:1 to be maintained for promotion to the post of Assistant from the post of Junior Assistant and Typist/Steno Typist respectively. But after 1.8.92, in view of the ban imposed, the Steno Typist alone lost the opportunity for promotion. In view of the ban, the Steno Typist Association filed O.A.No.1705 of 1996. The said O.A., was transferred to this Court and re-numbered as W.P.No.6550 of 2006 consequent to the abolition of the Tamil

Nadu Administrative Tribunal and this Court, by order dated 4.11.2006 passed an order directing the respondent to have a fresh look on the issue of providing promotional avenue for Stenographers on the basis of the observations made therein. However, during the pendency of the writ petition, the State Government issued G.O.Ms.No.34, Personnel and Administrative Reforms Department dated 21.2.2001 lifting the ban imposed against the Steno Typist Grade III to enable them to get promotion to the post of Assistant by transfer, since the scale of pay for the post of Steno Typist Grade III and Assistant are identical. Thereafter, G.O.Ms.No.121, Personnel and Administrative Reforms Department dated 18.5.2007 was issued providing promotional avenue for the Steno Typist Grade I and Grade II to the post of Superintendent.

4. Again coming to the crux of the issue, it was argued that for the purpose of fixation of seniority of Steno Typist appointed prior to 1.8.92, but not considered for promotion to the post of Assistant during the ban period, whether Rule 35(a) or 35(aa) or 35(b) of the General Rules for Tamil Nadu State and Subordinate Service Rules shall be applied, this Court has already considered a similar issue in W.P.(MD) Nos.21358 to 21361 of 2016 on a challenge being made by the petitioners therein who were working in Rural Development Department and by order dated 31.10.2017, this Court held that for reckoning inter-se seniority in the post of Assistant, Rule 35(b) of the General Rules for Tamil Nadu State and Subordinate Service Rules is to be followed, since the petitioners therein were appointed by transfer of service and were also drawing the same scale of pay on par with the scale of pay of Assistant. Concluding his arguments, Mr.Sankaran submitted that based on the orders passed by this Court settling the issue raised in the present writ petitions, the Commercial Taxes Department has issued a circular dated 1.10.2018 for fixation of seniority under Section 40(3) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (Rule 35(b) of the General Rules for Tamil Nadu State and Subordinate Service Rules), consequently, the Additional Chief Secretary to Commercial Taxes and Religious Endowment Department issued orders dated 20.11.2018 implementing the order passed by this Court. Moreover, when various departments, namely, Home (Police) Department, Commercial Taxes and Religious Endowments Department, Revenue Department, Municipal Administration and Water Supply Department, Rural Development and Local Administration Department, have been following Rule 35(a) of the General Rules in the combined seniority in the post of Junior Assistant/Typist/Steno Typist, the writ petitions filed by the petitioners working in Health Department, Agriculture Department, Education Department, Labour & Employment Department should be allowed, he pleaded.

5. The respective learned counsel appearing for the petitioners in the other writ petitions, adopting the arguments of Mr.Sankaran, also submitted that when a similar issue has already been settled by this Court, the writ petitions filed by them, who are working in Home (Police) Department, Co-operation, Food & Consumer Protection Department, Industries Department, Agriculture Department, should be allowed.

6. Detailed counter affidavits have been filed by the official respondents and the contesting respondents. Mr.P.H.Aravindh Pandian, learned Additional Advocate General assisted by Mrs.P.Rajalakshmi, learned Additional Government Pleader and Mr.L.P.Shanmughasundaram, learned Special Government Pleader for the official respondents, relying upon the counter affidavits, submitted that when the representations of the petitioners were considered in the light of the clarification issued by the Government, they cannot claim that their seniority should be fixed in terms of Rule 35(a) of the General Rules for Tamil Nadu State and Subordinate Service Rules based on the combined seniority list of Junior Assistant/Typist/Steno Typist, as the post of Steno Typist Grade III has been treated as a separate category and the post of Assistant is not a promoted post to Steno Typist Grade III. He also submitted that when the method of appointment to the post of Assistant in Tamil Nadu Ministerial Service is by direct recruitment by promotion from the post of Junior Assistant/Typist and by transfer from the post of Steno Typist Grade III, the seniority of a person can be determined only with reference to the date on which he is appointed to that category, as the method of appointment to the post of Assistant is more than one. Since the petitioners were appointed as Assistant by transfer after 1.8.92, their inter-se seniority in the post of Assistant along with the promoted Junior Assistants and Typists have been rightly fixed with reference to their date of appointment to the post of Assistant under Rule 35(aa) of the General Rules for Tamil Nadu State and Subordinate Service Rules.

7. Mr.M.Ravi, learned counsel for the respective contesting respondents, opposing the prayer made by the petitioners, submitted that when there is no monetary loss caused to the petitioners, they cannot seek revision of seniority over and above the contesting respondents, as the petitioners have got a different line of hierarchy of promotion i.e., Steno Typist Grade III to Steno Typist Grade II and to Steno Typist Grade I with separate scale of pay for each category. Again arguing on the applicability of Rule 35(b) of the General Rules for Tamil Nadu State and Subordinate Service Rules, now Section 40(3) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 to the present cases, Mr.Ravi submitted that since the petitioners were all appointed as Assistant by transfer of

service, for which post they were appointed by more than one method of recruitment, the seniority of the petitioners has to be fixed as per Rule 35(aa) of the General Rules only. Moreover, the said rule governs only the seniority in the Tamil Nadu State and Subordinate Service Rules and is not applicable to the Tamil Nadu Ministerial Service Rules. Again replying to the submission made on the petitioners' side that various departments, namely, Home (Police) Department, Commercial Taxes and Religious Endowments Department, Revenue Department, Municipal Administration and Water Supply Department, Rural Development and Local Administration Department have been consistently following Rule 35(a) of the General Rules for Tamil Nadu State and Subordinate Service Rules while fixing the inter-se seniority, he has submitted that all the departments have been wrongly following the same and the contesting respondents were not even given any notice or opportunity to make out their case before applying the said rule. In any event, the petitioners cannot claim the revision of seniority after a period of three years in terms of Rule 35(f) of the General Rules, now Section 40(6) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016.

8. The respective learned counsel for the contesting respondents in the other writ petitions also advanced similar arguments.

9. Heard learned counsel for the parties.

10. Since the learned counsel for the respective parties have argued on the application or non-application of Rule 35(a) or Rule 35(aa) or Rule 35(b) of the General Rules for Tamil Nadu State and Subordinate Service Rules, for better appreciation of the issue involved, it is pertinent to extract Rule 35(a), Rule 35(aa) and Rule 35(b) of the General Rules for Tamil Nadu State and Subordinate Service Rules, as follows:-

"35(a). The seniority of a person in a service, class or category or grade shall unless he has been reduced to a lower rank as a punishment be determined by the rank obtained by him in the list of approved candidates drawn up by the Tamil Nadu Public Service Commission or other appointing authority, as the case may be, subject to the rule of reservation where it applies. The date of commencement of his probation shall be the date on which he joins duty irrespective of his seniority.

35(aa). The seniority of a person in a service, class or category or grade shall, where the normal method of recruitment to that service, class, category or grade is by more than one method of recruitment, unless the individual has been reduced to a lower rank as a punishment, be determined with reference to the date on which he is appointed to the service, class, category or grade.

35(b). The transfer of a person from one class or category of a service to another class or category carrying the same pay or scale of pay shall not be treated as first appointment to the latter for purpose of seniority and the seniority of a person so transferred shall be determined with reference to the rank in the class or category from which he was transferred, where any difficulty or doubt arises in applying this sub-rule seniority shall be determined by the appointing authority."

11. Since the application of Rule 35(a), Rule 35(aa), Rule 35(b) of the General Rules have been dealt with by me earlier, the issue raised in the present writ petitions is no longer res integra, as I have considered an identical issue and passed a detailed order way back on 31.10.2017 in W.P.(MD) Nos.21358 to 21361 of 2016 (N.Vedha and others v. The Government of Tamil Nadu represented by the Principal Secretary, Rural Development and Panchayat Raj Department and others), holding as follows:-

"14. But a wrong stand has been taken by the respondents 1 to 5 in paragraph-13 of the counter affidavit stating that since all the petitioners were appointed by way of transfer of service as Assistant/Accountant/Rural Welfare Officer Grade I, for which post the method of appointment is more than one method of recruitment, their seniority has to be fixed only as per Rule 35(aa). However, in my considered opinion, a reading of Rule 35(b) shows that the transfer of a person from one class or category of service to another class or category carrying the same pay or scale of pay shall not be treated as first appointment to the latter for the purpose of seniority and the seniority of a person so transferred shall be determined with reference to the

rank in the class or category from which he was transferred. Therefore, it is a clear case where this Court has no hesitation to order the respondents 1 to 5 to apply Rule 35 (b) for the purpose of reckoning the seniority of the petitioners, as they have been appointed by transfer of service and were also drawing the same scale of pay on par with the scale of pay of Assistant. (emphasis supplied)

15. It is also relevant to deal with two of the contentions made by Mr.Muthugeethayan, learned counsel for the impleaded respondents. Firstly, it is his contention that the petitioners failed to implead the beneficiaries/promotees of the select list in the writ proceedings. Since the issue raised in the present writ petitions is only with regard to the application of Rule 35(b) and it is not their case that the juniors who were given promotion overlooking their seniority should be recalled, this Court is not inclined to deal with the same, as this Court has to answer whether rule 35(aa) or 35 (b) will apply to the case of the petitioners. Secondly, a reference was made to the order passed in W.A.(MD)No.1145 of 2006, which is also said to have been confirmed by the Apex Court in S.L.P.(C) No.19324 of 2009 on 13.1.2014. I do not find any merit in the said contention. It is the admitted case of the impleaded respondents that the ratio of 4:1 fixed by the Government in G.O.Ms.No.224 dated 8.3.84 was set aside by this Court in the reported judgment in 2007 W.L.R.58. Since the petitioners have not made any prayer for application of the ratio of 4:1, that argument also is bereft of any substance.

16. For all the aforementioned reasons, the impugned orders are set aside and the writ petitions are allowed with a direction to consider the petitioners for promotion to higher post within a period of eight weeks from the date of receipt of a copy of this order. Consequently, W.M.P.(MD) Nos.15274 to 15281 of 2016, 2959 to 2962 of 2017, 6269, 6271, 6273, 6275 & 6277 of 2017 are closed. No costs."

12. Moreover, it is not in dispute that following the aforesaid order, the Commercial Taxes Department has also issued a circular dated 1.10.2018 for fixation of seniority under Rule 35(b) of the General Rules, now Section 40(3) of the Tamil Nadu Government Servants (Condition of Service) Act, 2016, for those who have converted as Assistant from Steno Typist Grade III. Consequently, the Additional Chief Secretary for Commercial Taxes and Religious Endowments Department has also passed an order on 20.11.2018 directing as follows:-

"6. Accordingly, the fixation of seniority of Steno Typists Grade III on appointment to the post of Assistant shall be done as follows:-
a) The inter-se seniority of the Steno-Typist Grade-III within the common category of Steno-Typist Grade III/Junior Assistants/Typists in the year of recruitment shall be ascertained.
b) On transfer to the post of Assistant, the transferred Steno-typist Grade-III shall have seniority immediately above the Junior Assistant/Typist who was immediately junior to him in the original common seniority in the year of recruitment."

13. Again it may be noted herein that various orders have been issued independently by different departments following Rule 35(a) of the General Rules in the combined seniority in the post of Junior Assistant/Typist/Steno Typist, as follows:-

- (i) G.O.Ms.No.356, Home (Police) dated 07.04.2010;
- (ii) Proceedings of the Additional Director General of Police dated 26.04.2010;
- (iii) Proceedings of the Commissioner for Commercial Taxes dated 16.04.2010;
- (iv) Proceedings of the Principal Secretary to Government, Rural Development and Local Administration Department dated 22.11.2011;
- (v) Proceedings of the District Collector, Coimbatore dated 29.12.2011;
- (vi) Proceedings issued for revision of seniority in the post of Assistant for the Steno Typists appointed prior to 1.8.1992 and given promotion to the post of Assistant after lifting the ban on 5.2.2000 for the fixation of seniority in the post of Assistant following Rule 35(b) and under Section 40(7) of Tamil Nadu State and Subordinate Service Rules;

(vii) Circular issued by the Commissioner, Commercial Taxes Department dated 1.10.2018;

(viii) Proceedings of the Joint Commissioner, Commercial Taxes Department dated 20.11.2018;

(ix) Proceedings of the Joint Commissioner, Commercial Taxes Department dated 11.12.2018.

14. Since the aforementioned departments, namely, Home Department, Rural Development and Local Administration Department, Commercial Taxes and Registration Department, Revenue Department, Municipal Administration and Water Supply Department, Employment and Training Department etc., have been following Rule 35(a) of the General Rules, also show that the Steno Typists Grade III appointed prior to 1.8.92 and given promotion as Assistant after lifting of ban have been given the benefit of inter-se seniority in the post of Assistant from the date of their initial appointment following Rule 35(a) of the General Rules for Tamil Nadu State and Subordinate Service Rules. In view of these facts and circumstances, when the petitioners are also working in Health Department, Agriculture Department, Education Department, Police Department, Industries Department, Co-operation, Food & Consumer Protection Department, Labour and Employment Department, they cannot be treated differently while applying the service rules. Therefore, it is too late to entertain any arguments from the official or contesting respondents to reject the claim of the petitioners contrary to the settled legal position.

15. Accordingly, for the foregoing reasons, the impugned orders are set aside and the writ petitions are allowed as prayed for. Consequently, all the connected writ miscellaneous petitions are closed. No costs.

सत्यमेव जयते Sd/-

Assistant Registrar(CS VI)

//True Copy//

WEB COPY Sub Assistant Registrar

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To

1. THE SECRETARY TO GOVERNMENT
SCHOOL EDUCATION DEPARTMENT
SECRETARIAT, CHENNAI 600 009

2. THE DIRECTOR OF SCHOOL EDUCATION
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3. THE JOINT DIRECTOR OF SCHOOL EDUCATION (PERSONNEL)
OFFICE OF DIRECTOR OF SCHOOL EDUCATION
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4. THE SECRETARY TO GOVERNMENT
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6. THE DIRECTOR OF MEDICAL EDUCATION
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8. THE INDUSTRIES COMMISSIONER &
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9. THE SECRETARY TO GOVERNMENT
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12. THE PRINCIPAL SECRETARY HOME (POLICE-V) DEPARTMENT,
FORT ST. GEORGE,
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13. THE DIRECTOR GENERAL OF POLICE
TAMIL NADU OFFICE AT KAMARAJAR SALAI
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14. THE STATE OF TAMIL NADU,
REP.BY ITS SECRETARY DEPARTMENT OF
INDUSTRIES FORT ST.GEORGE,
CHENNAI-600 009.
15. THE DISTRICT COLLECTOR,
KANCHEEPURAM DISTRICT,
KANCHEEPURAM.
16. THE SPECIAL TAHSILDAR,
LAND ACQUISITION -3, SIPCOT,
SRIPERUMBUDUR EXPANSION SCHEME IT
SRIPERUMBUDUR KANCHEEPURAM DISTRICT.
17. THE MANAGING DIRECTOR,
SIPCOT UNIT-III, SRIPERUMBUDUR EXPANSION,
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19. THE REGISTRAR OF COOPERATIVE
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+1cc to M/s.Lesi Saravanan, Advocate, S.R.No.74541
+3cc to the Special Government Pleader, S.R.No.75505 to 75507

W.P.Nos.29677 of 2012 etc.

CS/09/09/2019