



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WP (MD) No.13838 of 2017

and

WMP (MD) No.10805 of 2017

WEB COPY

S.Vijayakumar

... Petitioner

Vs.

1.The State of Tamil Nadu represented by its
Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Fort St.George, Chennai.

2.The Director,
Rural Development and Panchayat Raj Department,
Panagal Building, Saidapet, Chennai - 600 015.

3.The District Collector,
Virudhunagar District @ Virudhunagar.

4.The District Collector,
Salem District @ Salem.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein to declare the completion of the petitioner's probation as on 17.01.2012 and promote the petitioner as Assistant for the panel year of 2012 on par with his junior.

For Petitioner : Mrs.M.Padmavathy

For Respondents : Mrs.J.Padmavathy Devi,
Special Government Pleader

ORDER

This writ petition has been filed seeking to direct the respondents to declare the probation of the petitioner as on 17.01.2012 and promote the petitioner as Assistant on par with his junior.

2.The learned Counsel for the petitioner submitted that seeking to declare the probation of the petitioner as on 17.01.2012, the petitioner sent a representation to the respondents on 16.09.2016. However, no orders have been passed by the respondents on the representation of the petitioner, for quite a long time and hence, the petitioner is before this Court, praying for appropriate directions to the respondents.



3. Upon notice, the third respondent has filed a counter affidavit and the relevant portion of the same reads thus:

"6.

If the appointing authority decides that a probationer is suitable for such membership, it shall, as soon as possible, issue an order declaring the probationer to have satisfactorily completed his probation. If no such order is issued within six months from the date on which he is eligible for such declaration, the probationer shall be deemed to have satisfactorily completed his probation on the date of expiry of the prescribed or extended period of probation. A formal order declaring the completion of probation shall, however, be issued by the competent authority. In all cases in which serious charges are pending, and therefore, probation cannot be declared, an order to the effect that the question of declaration of probation cannot be considered till the charges are disposed of shall be issued by the competent authority within six months from the due date for completion of probation and the final order on probation shall be passed as early as and in any case within one month after the disposal of the charges or six months after the due date for completion of probation, whichever is later."

4. The learned Counsel for the petitioner stoutly refuted the above averments made in the counter.

5. Under such circumstances, this Court, without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 16.09.2016, on merits and in accordance with law and pass necessary orders, after affording opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Cr1.side)

/ True Copy /

Sub Assistant Registrar (CS)

To

1. The Secretary to Government,

<https://hcservices.punjab.gov.in/hcservices>
Secretariat, Fort St. George,
Chennai.



2.The Director,
Rural Development and Panchayat Raj Department,
Panagal Building, Saidapet,
Chennai - 600 015.

3.The District Collector,
Virudhunagar District @ Virudhunagar.

4.The District Collector,
Salem District @ Salem.

+1 CC to M/s.M.PADMAVATHY, Advocate (SR-58670[F] dated 03/04/2019)

ORDER MADE IN
WP (MD) No.13838 of 2017
01.04.2019

ES/SP/24.04.2019/3P/6C