



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. (MD)No.8297 of 2016

R.Chandrasekar

... Petitioner

versus

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary, Finance Department,
Fort St. George, Secretariat, Chennai - 600 009.
2. The Director of Treasuries and Accounts, Panagal Buildings,
Saidapet, Chennai.
3. The District Treasury Officer, District Treasury Office,
Trichy.
4. National Cadet Corps Directorate
(Tamil Nadu, Pondicherry & Andaman Nicobar)
Rep. by Deputy Director General, Fort St. George,
Secretariat, Chennai - 600 009.
5. The Commander, National Cadet Corps Group, Headquarters,
No.16, Williams Road, Cantonment,
Trichy - 620 001.

...Respondents

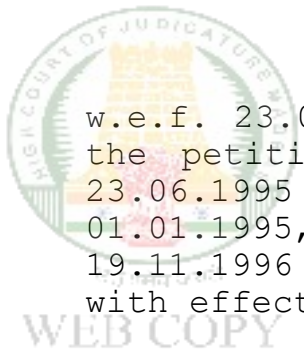
Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the 2nd respondent to commence the petitioner's probation in the cadre of Junior Assistant w.e.f. 24.06.1995 as per Tamil Nadu Special Qualifying Examination Rules 2000 issued vide G.O.No.71, P&AR Department, dated 07.04.2000 and declare the petitioner's probation in the cadre of Junior Assistant w.e.f. 23.06.1997 with all attendant monetary benefits and also fix the petitioner's last drawn salary in the temporary post as on 23.06.1995 by allowing annual increments on 01.01.1993, 01.01.1994, 01.01.1995, 01.01.1996 and 01.01.1997 and by allowing increment on 19.11.1996 for having passed Account Test and award monetary benefit with effect from 24.06.1995.

For Petitioner :Mr.M.Sankaralingam,
for M/s.R.Subramanian

For Respondents :Mr.K.P.Narayanakumar
Special Government Pleader

ORDER

The writ petition has been filed seeking for the issuance of Writ of Mandamus, to direct the 2nd respondent to commence the petitioner's probation in the cadre of Junior Assistant w.e.f. 24.06.1995 as per Tamil Nadu Special Qualifying Examination Rules 2000 issued vide G.O.No.71, P&AR Department, dated 07.04.2000 and declare the petitioner's probation in the cadre of Junior Assistant



w.e.f. 23.06.1997 with all attendant monetary benefits and also fix the petitioner's last drawn salary in the temporary post as on 23.06.1995 by allowing annual increments on 01.01.1993, 01.01.1994, 01.01.1995, 01.01.1996 and 01.01.1997 and by allowing increment on 19.11.1996 for having passed Account Test and award monetary benefit with effect from 24.06.1995.

2. The case of the petitioner is that based on the employment seniority, the 5th respondent, by order dated 29.04.1991, initially appointed him as Junior Assistant under Rule 10(a)(i) of General Rules of Tamil Nadu State and Subordinate Service Rules with effect from 27.03.1991. On completion of one year, he was paid annual increment. Subsequently, the Tamil Nadu Public Service Commission announced Group-IV Services Special Qualifying Examination 1994 vide Notification dated 04.08.1994. As per the Notification, he applied for the same through 5th respondent and after participating in the examination held on 24.06.1995, he was selected. Subsequently, the Tamil Nadu Public Service Commission, vide its memorandum dated 24.12.1996, appointed the petitioner as Junior Assistant and allotted to the second respondent and he joined the 3rd respondent office on 05.02.1997. Thereafter, the petitioner has been working in the 2nd respondent Department from 05.02.1997 onwards. While so, the Government framed Tamil Nadu Special Qualifying Examination Rules, 2000, vide G.O.Ms.No.71, Personnel and Administrative Reforms Department, dated 07.04.2000, governing the candidates appointed through Special Qualifying Examination in 1995. As per Rule 5, the date of commencement of probation was fixed as 24.06.1995. Since the petitioner has written the Special Qualifying Examination on 24.06.1995, the same was taken as date of commencement of probation. Since the petitioner worked as a temporary staff in one Department and allotted to another Department, the above benefit was not given to him.

3. Further, it is the case of the petitioner that as per Rule 8, he is entitled to carry the last drawn pay on absorption. Though the petitioner made several representations to the 2nd respondent as well as the respondents 4 and 5, the benefit of Rule 5 was not given to the petitioner. The 5th respondent, by his letter dated 31.08.2006, communicated the order dated 17.07.2006, commencing his probation with effect from 24.06.1995. Further, the 2nd respondent Department was instructed to claim annual increment from 1993. Though the 3rd respondent received the above said communications, they have not passed the consequential order declaring his probation on completion of two years, i.e. on 23.06.1997 and claiming annual increments from 1993 and fixing his last drawn pay on 23.06.1995 as his pay on the date of absorption i.e. on 24.06.1995. The petitioner sent a representation dated 15.03.2013 to the 4th respondent, who in turn, directed him to approach the 2nd respondent Department. On 16.05.2013, the petitioner sent a detailed representation to the 2nd respondent requesting to grant the benefit



Rules. As no order was passed, the petitioner sent another representation dated 28.08.2015 to the 2nd respondent. However, no action was taken by the respondents. Hence, the present writ petition has been filed.

4. The learned counsel appearing for the petitioner submitted that it would suffice, if the respondents are directed to consider the representation of the petitioner dated 28.08.2015 in the light of G.O.Ms.No.71 dated 07.04.2000.

5. Heard the learned Special Government Pleader appearing for the respondents.

6. In view of the limited prayer now sought, this Court, without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 28.08.2015, in the light of G.O.Ms.No.71, dated 07.04.2000 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The Principal Secretary, Finance Department,
Fort St. George, Secretariat, Chennai - 600 009.
2. The Director of Treasuries and Accounts, Panagal Buildings,
Saidapet, Chennai.
3. The District Treasury Officer, District Treasury Office,
Trichy.
4. National Cadet Corps Directorate,
(Tamil Nadu, Pondicherry & Andaman Nicobar)
Rep. by Deputy Director General, Fort St. George,
Secretariat, Chennai - 600 009.
5. The Commander, National Cadet Corps Group, Headquarters,
No.16, Williams Road, Cantonment, Trichy - 620 001.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-14714[F] dated 31/03/2021)

+1 CC to M/s.SPL GP (SR-14809[F] dated 31/03/2021)

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