



WEB COPY



W.P.No.30265 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.30265 of 2022

R.Selvakumar

... Petitioner

Vs

1.The Commissioner,
Town Panchayat Office,
No.75, Santhome High Road,
Raja Annamalaipuram,
Chennai - 28.

2.The District Collector,
O/o the District Collector,
Villupuram District.

3.The District Collector,
O/o the District Collector,
Pudukottai District.

4.The Executive Officer,
Town Panchayat Office,
Keeranur,
Pudukkottai District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the first respondent to treat the



W.P.No.30265 of 2022

petitioner have completed his probation ie., from 10.04.1997 to 01.08.1999 as he deemed to have completed probation as per Rule 27 of the Tamil Nadu State and Subordinate Service Rules, 2010.

For Petitioner	...	Mr.Singaravelan, Senior Counsel for Mr.M.Muruganantham
For Respondent 1	...	Mr.M.Shahjahan, Special Government Pleader
For Respondents 2 & 3	...	Mr.N.Naveen Kumar Government Advocate
For Respondent 4	...	Mr.Stalin Abimanyu Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to declare that the petitioner has completed his probation on 01.08.1999.

2. Mr.M.Shahjahan, learned Special Government Pleader accepts notice on behalf of the first respondent, Mr.N.Naveen Kumar, learned Government Advocate accepts notice on behalf of the respondents 2 & 3 and



W.P.No.30265 of 2022

Mr.Stalin Abimanyu, learned Additional Government Pleader accepts notice on behalf of the fourth respondent. By consent of both the parties, this Writ Petition is taken up for final disposal in the admission stage itself.

3. The petitioner claims that despite a direction having been issued by the District Collector, namely the third respondent vide proceedings dated 14.09.2020 to declare the probation of the petitioner, the fourth respondent has not passed any order declaring the petitioner's probation. The petitioner claims that he has completed his probation on 01.08.1999 itself. But till date, the same has not been declared, despite several representations. According to the petitioner, only pursuant to the directions given by this Court, the petitioner's representation seeking for declaration of his probation has been considered and favourable orders have been passed by the District Collector on 14.09.2020. However, according to the petitioner, till date, the fourth respondent has not passed the final orders. The petitioner has given a representation on 26.05.2022 for the said purpose. Since the representation has not been considered till date, he has filed this writ petition.



W.P.No.30265 of 2022

4. Heard Mr.Singaravelan, learned Senior Counsel represented by Mr.M.Muruganantham, learned counsel for the petitioner, Mr.M.Shahjahan, learned Special Government Pleader appearing for the first respondent, Mr.N.Naveen Kumar, learned Government Advocate appearing for the respondents 2 & 3 and Mr.Stalin Abimanyu, learned Additional Government Pleader appearing for the fourth respondent.

5. Learned Special Government Pleader appearing for the first respondent would submit that only due to the pendency of the FIR against the petitioner, his probation has not been declared till date.

6. However, learned Senior Counsel appearing for the petitioner referring to the proceedings dated 14.09.2020 issued by the District Collector, would submit that the FIR registered against the petitioner was taken into consideration by the third respondent and only thereafter, he has issued direction to the fourth respondent to declare the probation of the petitioner.



W.P.No.30265 of 2022

7. No prejudice would be caused to the respondents, if the petitioner's representation seeking for declaration of his probation is considered on merits and in accordance with law, in the light of the proceedings dated 14.09.2020 issued by the District Collector, the third respondent herein within a time frame to be fixed by this Court.

8. For the foregoing reasons, this Court directs the fourth respondent to pass final orders on the petitioner's representation dated 26.05.2022 seeking for declaration of his probation in the light of the proceedings of the District Collector, namely the third respondent herein dated 14.09.2020 within a period of eight weeks from the date of receipt of a copy of this Order.

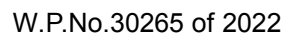
9. With the aforesaid direction, this writ petition is disposed of. No costs.

14.11.2022

nl
Index: Yes/ No
Speaking Order/Non-speaking Order

To

5/7



1. The Commissioner,
Town Panchayat Office,
No.75, Santhome High Road,
Raja Annamalaipuram,
Chennai - 28.
2. The District Collector,
O/o the District Collector,
Villupuram District.
3. The District Collector,
O/o the District Collector,
Pudukottai District.
4. The Executive Officer,
Town Panchayat Office,
Keeranur,
Pudukkottai District.



WEB COPY



W.P.No.30265 of 2022

ABDUL QUDDHOSE, J.

nl

W.P.No.30265 of 2022

14.11.2022