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W.P. No.28408 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2023

CORAM:
THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P. No.28408 of 2023

M. Manjula

Petitioner

v

1 The Government of Tamil Nadu
represented by its Additional Secretary
Home (Court-5) Department
Fort St. George
Chennai 600 009

2 The Registrar General
High Court, Madras 600 104

3 The Principal District Judge
Cuddalore District
Cuddalore

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records pertaining to the order passed by the third respondent in his proceedings A.R. No.5801/2020 dated 11.03.2021 and quash the same and consequently, direct the third respondent to revise the seniority of the petitioner in the cadre of Assistant and promote her as Assistant by including her name in the appropriate panel notionally at par with her junior with all consequential service and monetary benefits.



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For petitioner	Mr. A.G. Rajan
For R1	Mr. A. Selvendran
	Special Government Pleader
For RR 2 & 3	Mr. R. Kannan Kumar
	Standing Counsel

ORDER

(made by S. VAIDYANATHAN, J.)

This writ petition has been filed challenging the proceedings dated 11.03.2021 of the third respondent and for a direction to the third respondent to revise the petitioner's seniority in the cadre of Assistant and promote her as Assistant, by including her name in the appropriate panel notionally on par with her junior with all consequential service and monetary benefits.

2 The case of the petitioner is that her seniority needs to be revised in the cadre of Assistant and she should be promoted and placed on par with her junior, Hari Krishnan, who recently retired and she should also be paid all consequential benefits.

3 According to the petitioner, she was appointed on compassionate ground as Junior Assistant on the demise of her father P. Muruganantham, a Junior Bailiff at the Principal District and Sessions Court, Cuddalore, on 09.05.2007; she joined on 13.12.2007; her services were terminated on



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31.07.2014 on the ground that her appointment was irregular, which made her challenge the termination order by filing W.P.No.23888 of 2014, which was disposed of *vide* order dated 17.12.2014, wherein, *inter alia*, a direction was issued to consider her request on she producing necessary certificate from the Tahsildar, in respect of her financial position; accordingly, on submission of such a certificate through the third respondent seeking regularisation of her temporary service, the Government, *vide* G.O. (3D) No.39, Home (Courts-V) Department dated 06.09.2016, accepted the proposal of regularisation of the temporary service of the petitioner with effect from 13.12.2007 and based on that, she was re-appointed as Junior Assistant in the Principal District Court, Cuddalore and she joined duty on 01.11.2016 and she was declared as approved probationer with effect from 13.12.2009; thereafter, she was temporarily promoted as Assistant and thereafter, transferred to the Principal District Munsif Court, Cuddalore and deputed as Assistant in the I Additional District Court, Cuddalore; even though the petitioner is entitled to all the benefits and her service has been regularised based on G.O. (3D) No.39, *supra*, the Principal District Judge, Cuddalore, passed an order dated 11.03.2021 stating that since re-fixation of seniority involves continuous service and as there was a break in service from 01.08.2014 to 31.10.2016, re-fixation of seniority could be considered only after regularisation of break in service and hence, the petitioner's application was returned as the same could



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not be considered then.

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4 A reading of G.O. (3D) No.39, *supra*, more so, paragraph 3, would make it clear that the services of the petitioner in the post of Junior Assistant have been regularised with retrospective regularisation with effect from 13.12.2007 (forenoon) and she is also eligible to draw annual increments and arrears of pay and allowances.

5 In view of the aforesaid Government Order, the petitioner is entitled to regularisation of her services and also all the benefits, including notional benefits, on par with her counterpart who is junior in the seniority list, as if her services have been regularised. The exercise of re-fixation of seniority and calculation of amount in respect of the benefits she is entitled to, shall be done within a period of three months from the date of receipt of a copy of this order.

In the result, this writ petition stands allowed. No costs.

(S.V.N., J.) (K.R.S., J.)
18.10.2023



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