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W.P.No.19932 of 2023

For Petitioner : *Ms.S.Vasavi Sridevi*
For Respondents : *Mr.V.Jeevagiridharan,*
Addl. Government Pleader
for RRI to 3

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus, directing the 1st respondent to consider the representation of the petitioner dated 04.12.2020 seeking declaration of probation of the petitioner w.e.f. 17.06.2000 and for the grant of all service and monetary benefits accruing out of such declaration of probation to the petitioner.

2. It is the case of the petitioner that he joined the service of the respondent department on 18.06.1998 as Junior Assistant on compassionate ground. It is his further case that though his services were regularised from the date of his joining, the probation came to be declared only w.e.f. 01.02.2019 i.e., on the day following the last day of the test/examination which he passed and not from 17.06.2000. In this regard, he sent a representation on 04.12.2020 to the Chief Secretary to the Government of Tamil Nadu followed by a reminder dated 26.04.2021 with a copy to the 1st respondent. The grievance of the petitioner is that his request for declaration of probation w.e.f.



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17.06.2000 has not yet been considered by the respondents.

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3. Heard both sides.

4. This court in an identical situation in the case of **T.Gunaseela Subramani and 2 others v. The State of Tamil Nadu** [W.P.(MD) No.15585 of 2018 dated 29.03.2021] has held that there is no rule to the effect that the training should not be completed in the second or subsequent attempts during the probation period. In other words, there is no bar for the probationers to undertake test in any number of attempts within the probation period. This court has further held that there are no regulations governing the declaration of probation for belated deputation to training, owing to administrative delays, the reference to Rule 26(A)(2) that the petitioners' declaration of probation will commence on the day following the completion of training is unjustifiable and illegal.

5. Considering the above said legal position and in the light of the limited nature of the relief sought for in the writ petition, this court, without going into the merits of the claim of the petitioner, directs the respondents to consider the



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representations of the petitioner dated 04.12.2020 & 26.04.2021 on its own merits and in the light of the order of this court made in W.P.(MD) No.15585 of 2018 dated 29.03.2021 and pass appropriate orders thereof within a period of two months from the date of receipt of a copy of this order.

This writ petition is disposed of accordingly with the above directions. No costs.

27..07..2023

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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To

- 1.The Additional Chief Secretary to Government of Tamil Nadu,
Environment, Climate Change and Forest Department,
Secretariat, Chennai 600 009.
- 2.The Principal Chief Conservator of Forests
(Head of Forest Force),
Forest Headquarters Buildings,
Near Kannigapuram Check Post,
Guindy-Velacherry Main Road,
Guindy, Chennai 600 032.
- 3.The Principal Chief Conservator of Forests & Director,
Tamil Nadu Forest Academy,
Forest Campus, R.S.Puram,
Coimbatore 641 002.



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N.SATHISH KUMAR.J.,

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