



W.P.No.2218 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

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CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.2218 of 2019

C.Sakthivel

... Petitioner

Vs.

1.The Registrar General,
Hon'ble High Court of Madras,
Chennai – 600 104.

2.The Principal District Judge,
Vellore District Court,
Vellore.

3.K.Ezhumalai

4.V.Porkodi

5.N.Thanganalini

6.M.Hemalatha

7.S.Dhaneshkumar

8.M.Tamilselvi

9.K.Varalakshmi

10.The Secretary to the Government,
Home (Courts V) Department, Secretariat,
Fort St.George, Chennai-9.

... Respondents

(R-10 impleaded as per order dated 07.04.2022

in W.M.P.No.7592 of 2019 in W.P.2218 of 2019 by CJ and DBCJ)



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records in connection with the rejection order in Dis.No.8608/2016/A dated 21.10.2016 passed by the Learned Principal District Judge, Vellore, the 2nd respondent herein and Appeal Rejection Order in R.O.C.No.49171/2017/C1 dated 07.09.2018 passed by the Registrar General, High Court of Madras, the 1st Respondent herein and quash the same and consequently direct the 1st and 2nd respondents herein to promote the petitioner to the post of Translator w.e.f. 16.05.2015 and thereby regulate his seniority with all monetary benefits as envisaged thereon.

For Petitioner	: Dr.R.Sampathkumar
For R1 & R2	: Mr.Karthik Ranganathan
For R3, R4 & R9	: Mr.Arya Raj
For R5 to R8	: Mr.S.Seenivasan
For R10	: Mr.P.Anandakumar Government Advocate

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The order of the 2nd respondent dated 21.10.2016 confirmed by the 1st respondent in proceedings dated 07.09.2018 are under challenge in the present writ petition.



2. The petitioner was appointed as Steno-Typist Grade-III in the year 2001. The contention of the petitioner is that he is fully qualified for appointment by way of transfer of service to the post of Translator in the year 2012.

3. Dr.R.Sampathkumar, learned Counsel for the petitioner would mainly contend that the respondents 3 to 9 were unqualified for appointment to the post of Translator and despite the fact that they are not qualified, they were considered for promotion and the case of the petitioner was denied.

4. The only contention of the petitioner is that he possessed the requisite qualification in advance. Therefore, he should be placed above in the seniority list.

5. Passing of requisite departmental examination is one aspect of the matter. However, promotion or appointment by way of transfer of service is to be considered at the time of preparation of panel and all the eligible candidates, who possess the necessary qualification are to be considered. Therefore, date of possessing the qualification is immaterial and the date of



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preparation of panel with reference to the crucial date for appointment to the post of Translator by way of transfer of service is material for the purpose of considering the names of the eligible employees in the order of seniority. In the present case, the claim of the petitioner is that he possessed the qualification well in advance. Therefore, he must be placed above in the seniority list and such a contention is unknown to Service Law Jurisprudence. As on the date of preparation of list of eligible candidates, all the employees qualified are to be considered in the order of seniority.

6. The Counter Affidavit filed on behalf of the 2nd respondent reveals that the respondents 3 to 9 were seniors to the petitioner in the Seniority List. The seniority position of the Staff Members inclusive of the writ petitioner for the year 2015 are stated as under:

<i>Sl.No.</i>	<i>Name and Designation</i>	<i>Date of joining in the present post</i>	<i>Rank in Seniority List</i>	<i>Time scale of pay</i>
1	V.Porkodi, Head Clerk, D.M.Court, Arakkonam	More than 3 cadre Higher post, than that of writ petitioner	Sl.No.9 Class IV, Category 3.	Rs.9300-34800 + GP 4800/-
2	N.Thanganalini, Head Clerk, D.M.Court, Gudiyatham	More than 3 cadre Higher post, than that of writ petitioner	Sl.No.10 Class IV, Category 3.	Rs.9300-34800 + GP 4800/-



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Sl.No.	Name and Designation	Date of joining in the present post	Rank in Seniority List	Time scale of pay
3	M.Hemalatha, Record Keeper, Principal Labour Court, Vellore	More than 3 cadre Higher post, than that of writ petitioner	Sl.No.16 Class IV, Category 3.	Rs.9300- 34800 + GP 4800/-
4	S.Dhaneshkumar, Bench Clerk Gr-II, C.J.M.Court, Vellore	More than 2 cadre Higher post, than that of writ petitioner	Sl.No.5 Class IV, Category 3.	Rs.9300- 34800 + GP 4300/-
5	M.Tamilselvi, Assistant, Prl.Dist.Court, Vellore	20.10.2011 as Assistant	Sl.No.12	Rs.5200-20200 + GP 2800/-
6	K.Varalakshmi, Assistant, Prl.Dist.Munsif Court, Vellore	05.11.2011 as Assistant	Sl.No.15	Rs.5200-20200 + GP 2800/-
7	K.Ezhumalai, Assistant, D.M.Court, Arakkonam	02.09.2013 as Assistant	Sl.No.39	Rs.5200-20200 + GP 2800/-
8	C.Sakthivel, Assistant, Prl.Dist.Court, Vellore	04.04.2014 as Assistant	Sl.No.42	Rs.5200-20200 + GP 2800/-

The name of the petitioner is found in Sl.No.8 and his rank in the seniority list is Sl.No.42.

7. It is brought to our notice that the writ petitioner was also appointed as Translator by way of transfer of service in the year 2023 in accordance with the Seniority. Thus, we do not find any infirmity in the



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procedures as followed in consonance with the Service Rules in force. The claim of the petitioner to place him above the contesting respondents is not supported by the Service Rules.

8. Accordingly, this Writ petition stands **dismissed**. There shall be no order as to costs.

[S.M.S.J.] [K.R.S.J.]
13.03.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

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2.The Principal District Judge,
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3.The Secretary to the Government,
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