



W.P.Nos.27224 & 27225 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2024

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

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- 1.P.Alagu
- 2.T.Indira
- 3.R.Manimekalai
- 4.T.Gowri
- 5.G.Leelavathi
- 6.S.R.Gomathy
- 7.R.Radha
- 8.T.Vijayakumari
- 9.R.Usha Priyadharsini
- 10.M.Sudeethkumar
- 11.N.Chandra
- 12.G.Ravi
- 13.P.Kannammal
- 14.R.Vijayalakshmi
- 15.K.Renukadevi
- 16.I.Roselin Juliet Mary
- 17.M.Paulraj
- 18.K.Amirthamani
- 19.N.Mahadevi
- 20.S.Savithri
- 21.V.Kalaimani
- 22.C.Edward Samuvel
- 23.P.Vandarkuzhali
- 24.S.Nirmaladevi
- 25.S.Manoharan
- 26.V.Anbuselvi



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27.G.Kulanji
28.N.Chandra
29.D.Flora Karolina
30.J.Alamelu
31.N.Kannammal
32.Y.Gnana Suganthi
33.C.Umamageswari
34.G.Ramani
35.M.Ramu
36.M.K.Latha
37.V.M.Gnanakumar
38.S.Manogari
39.S.Nirmala
40.K.Kanagavalli
41.A.Santha

... Petitioners in W.P.No.27224
of 2009

1.M.Rani
2.P.Bannumathi
3.M.Suseela
4.L.Sabapathy
5.Ponmary
6.Y.Gnanasuganthi
7.R.Sukumaran
8.G.Seshukumari

... Petitioners in W.P.No.27225
of 2009

Vs.

1.The State of Tamil Nadu,
Represented by the Principal Secretary,
Home (Courts-V) Department,
Fort St.George, Chennai – 9.

2.The Secretary to Government,
Personal & Administrative Reforms,
B-Department,
Fort St.George, Chennai – 9.

3.The Registrar General,

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High Court Madras,

Chennai – 600 104.

... Respondents in both

W.P's

Prayer in W.P.No.27224 of 2009: Writ Petition is filed under Article 226 of the Constitution of India in the nature of Writ of Mandamus, directing the respondents to deem and regularize all the existing steno typists, Grade-III working in the Tamil Nadu Judicial Ministerial Service who were originally appointed prior to 01.08.1992 as Assistants with effect from 13.03.2002 with all the necessary consequential service seniority, and monetary benefits in tune with the date of their original appointment and consider them for future promotion to the post of Superintendents on the basis of such seniority in common and intersee along with all other feeder posts.

Prayer in W.P.No.27225 of 2009: Writ Petition is filed under Article 226 of the Constitution of India in the nature of Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in connection with the 1st respondent's order in G.O.Ms.No.24 Home (Courts-V) Department, 09.01.2009 and quash the paras-3(a) (b), (d) and (f) of the same and direct the 1st respondent to consider the steno typists Grade-II working in the Tamil Nadu Judicial Ministerial Service for promotion to the post of Superintendent on the basis of a combined seniority fixed on the basis of their date of appointment along with all other equal categories and Cadres constituting feeder posts for the post of Superintendent and to issue necessary consequential amendments to the Tamil Nadu Judicial Ministerial Service in accordance with law.

For Petitioners : Mr.C.Umashankar (in both W.P's)

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For R1 and R2

: Mr.P.Ananda Kumar

Government Advocate (in both W.P's)

For R3

: Mr.V.Ayyadurai

Senior Counsel

for Mr.A.Durai Eswar (in both W.P's)

COMMON ORDER

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

W.P.No.27224 of 2009 has been filed to direct the respondents to deem and regularize all the existing Steno Typists, Grade-III working in the Tamil Nadu Judicial Ministerial Service, who were originally appointed prior to 01.08.1992 as Assistants with effect from 13.03.2002 with all the necessary consequential service seniority, and monetary benefits.

W.P.No.27225 of 2009 has been filed challenging G.O.Ms.No.24 Home (Courts-V) Department, 09.01.2009 and quash the paras-3(a) (b), (d) and (f) of the same and direct the 1st respondent to consider the Steno typists Grade-II working in the Tamil Nadu Judicial Ministerial Service for promotion to the post of Superintendent on the basis of a combined seniority fixed on the basis of their date of appointment along with all other equal categories and Cadres constituting feeder posts for the post of Superintendent and to issue necessary consequential amendments to the Tamil Nadu Judicial



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Ministerial Service in accordance with law.

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2. Due to the long pendency of the writ petitions, the writ petitioners have attained the age of superannuation and retired from the service. The petitioners were appointed as Steno-Typist and the nomenclature underwent certain changes. In view of G.O.Ms.No.256, P & AR (Per.B) Dept., dated 01.08.1992 the post of Steno-Typist was segregated from Ministerial Posts and separate line of Posts were created. Accordingly, the Steno-Typist were re-designated as Steno-Typist Grade-III and promotional avenues are provided for promotion to the posts of Steno-Typist Grade-II and Steno-Typist Grade-I respectively. Prior to the issuance of G.O.No.256, the posts Steno-Typist and Junior Assistant carried identical scale of pay and they were eligible for promotion to the post of Assistant in the Ministerial line. After implementation of G.O.No.256, the ratio fixed for promotion to the post of Assistant is 19:1 i.e., 19 Ministerial staffs and 1 Steno-Typist Grade-III. Pertinently, the scale of pay for the post of Steno-Typist Grade-III is equivalent to the scale of pay of the Assistant in the Ministerial Service. Therefore, transfer of service provided to the post of Assistant from Steno-Typist Grade-III was not attractive. Moreover, the Steno-Typist Grade-III was



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provided with the promotional opportunity to the post of Steno-Typist Grade-II and Steno-Typist Grade-I, which carries next promotion post scale of pay.

3. Appointment of Steno-Typist Grade-III to the post of Assistant is only by way of transfer of service, since both the posts carries identical scale of pay. The employees who are willing to serve in ministerial line alone opted for appointment by transfer of service to the post of Assistant and remaining employees continued as Steno-Typist Grade-III and got promoted to the post of Steno-Typist Grade-II and I respectively.

4. On account of implementation of G.O.256, the nomenclature and promotional avenues to the erstwhile Steno-Typist underwent changes. Therefore, these petitioner cannot be construed as an aggrieved person as of now. More so, all the petitioners have already reached the age of superannuation and retired from service.

5. Though Mr.C. Umashankar, the learned Counsel for the petitioners would submit that the petitioners are eligible for promotion on par



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with their juniors, such a situation would not arise in view of segregation of post of Steno-Typist Grade-III and Assistant in the Ministerial line.

6. Promotion *per se* cannot be claimed as an absolute right. However, consideration for promotion is a fundamental right of an employee. All promotions are to be granted by scrupulously following the Rules in force. Whenever the process of promotion is undertaken by the Competent Authority, the names of all the eligible employees in the line of seniority and by ascertaining the eligibility are to be considered.

7. In the present case, on account of creation of separate avenues for the promotion to the post of Steno-Typist Grade-III and Steno-Typist Grade-II, question of now promoting petitioners on the Ministerial line would not arise at all. If at all any other grievance exist to the serving writ petitioners, they are at liberty to approach the Authority to redress their grievances. However, the relief as such sought for in the present writ petition cannot be granted. Consequently, both the Writ Petitions stand **dismissed**.
No costs.



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

01.03.2024

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

1.The State of Tamil Nadu,
Represented by the Principal Secretary,
Home (Courts-V) Department,
Fort St.George, Chennai – 9.

2.The Secretary to Government,
Personal & Administrative Reforms,
B-Department,
Fort St.George, Chennai – 9.

3.The Registrar General,
High Court Madras,
Chennai – 600 104.

S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

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Order in
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