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W.P.No.3295 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.01.2024

Coram:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.3295 of 2021

and

W.M.P.nos.3743 and 3746 of 2021

and

W.M.P.No.7093 of 2021

A.Yadava Prakash
S/o K.Ashok Kumar,
Assistant Section Officer,
Tamil Nadu Legislative Assembly Secretariat,
Fort St.George, Chennai 600 009. .. Petitioner

/versus/

1.The Secretary,
Tamil Nadu Legislative Assembly Secretariat,
Fort St.George, Chennai 600 009.

2.The Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St.George, Chennai 600 009.

3.Thiru.S.Somasundaram
4.Thiru.K.Pandiraj
5.Tmt.K.Sridevi Meenakshi
6.Thiru.P.Balasubramanian
7.Thiru.A.Saravanakumar



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8. Thiru.R.Aravindan
9. Tmt.Vijayalakshmi
10. Tmt.S.Subbulakshmi
11. Tmt.S.K.Sumathi
12. Thiru.V.Murugapandian
Respondents 3 to 12 are all working as
Section Officers in Tamil Nadu Legislative
Assembly Secretariat, Fort St.George,
Chennai 600 009.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records of the 1st respondent in connection with the impugned orders in (i) Officer Order No.1299/2017, dated 08.12.2017, (ii) Reply letter dated 08.09.2020 and (iii) S.O.No.102, dated 23.07.2019 and quash same and consequently direct the 1st respondent to pass appropriate orders as to regularize the service of the petitioner in the cadre of Assistant Section Officer (ASO) from the date of his acquiring qualification i.e w.e.f 13.12.2013 and fix his seniority accordingly, following the ratio of 4:1 as provided under the Rule 6 of the TamilNadu Legislative Assembly Secretariat Service Rules and the Appendix II therein, with all consequential service benefits such as seniority, promotions on par with his juniors, etc.

For Petitioner :Mr.M.Sriram

For R1 and R2 :Mr.T.Rajendran, AGP



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ORDER

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This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus to call for the entire records of the 1st respondent in connection with the impugned orders in (i) Officer Order No.1299/2017, dated 08.12.2017, (ii) Reply letter dated 08.09.2020 and (iii) S.O.No.102, dated 23.07.2019 and quash same and consequently direct the 1st respondent to pass appropriate orders as to regularize the service of the petitioner in the cadre of Assistant Section Officer (ASO) from the date of his acquiring qualification i.e., w.e.f 13.12.2013 and fix his seniority accordingly, following the ratio of 4:1 as provided under the Rule 6 of the TamilNadu Legislative Assembly Secretariat Service Rules and the Appendix II therein, with all consequential service benefits such as seniority, promotions on par with his juniors, etc.

2. Heard Mr.M.Sriram, the learned counsel appearing for the petitioner and Mr.T.Rajendran, the learned Additional Government Pleader appearing for the respondents 1 and 2.



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3. The petitioner, who has been promoted to the post of Assistant Section Officer has given a representation to the respondents department to fix his seniority by regularizing his service in the post of Assistant Section Officer with effect from 26.03.2012 by following the ratio provided under the Rule. Sofar, the roaster has not been prepared by giving regularization to the petitioner in the post of Assistant Section Officer. In the impugned order dated 08.09.2020, it has been stated that the subject to the vacancy position, the roaster in the ratio of 4:1 will be prepared and his name will be included in the panel in accordance with the seniority.

4. However, during the course of the argument, it is submitted by the learned Additional Government Pleader appearing for the respondents 1 and 2 that steps are being taken to regularise the service of the petitioner with effect from 13.12.2013. However, he has stated that the regularization can be given subject to the verification of the last date of the sitting for decree examination by the petitioner.



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5. It is further submitted by the learned counsel appearing for the petitioner that the petitioner's last date of the sitting for the degree examination was 13.12.2013. In such case, it is upto the petitioner to make a fresh representation by filing relevant documents which would show the last date of sitting in the decree examination.

6. With the above observations, this Writ Petition is disposed and the petitioner is at liberty to give a fresh representation to the respondents 1 and 2 within a period of two weeks from the date of this order and on receipt of the same, the respondents 1 and 2 are directed to consider the representation of the petitioner and pass appropriate orders for regularization of the petitioner in the cadre of Assistant Section Officer (ASO) w.e.f 13.12.2013 and fix his seniority by following the ratio of 4:1 on par with his juniors with all consequential service and attendant benefits, within a period of eight weeks thereafter. No costs. Consequently connected Miscellaneous Petitions are closed.

10.01.2024

Index:yes/no
Neutral Citation:yes/no
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To:

- 1.The Secretary,
Tamil Nadu Legislative Assembly Secretariat,
Fort St.George, Chennai 600 009.
- 2.The Secretary to Government,
Personnel and Administrative Reforms Department,
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