



W.P.No.22994 of 2011

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**

**W.P.No.22994 of 2011**

1.P.Vandarkuzhali  
2.S.Nirmala Devi  
3.S.Manoharan  
4.K.G.Ravichandran  
5.R.Kolanji  
6.V.Anbuselvi

... Petitioners

Vs.

1.The Government of Tamil Nadu,  
Represented by its Secretary,  
Home (Courts) Department,  
Fort St.George,  
Chennai – 9.

2.The Registrar General,  
High Court of Madras,  
Madras – 104.

3.The Principal District Judge,  
Cuddalore District,  
Cuddalore.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India in the nature of Writ of Mandamus, to direct the respondents to consider the representation submitted by the petitioners dated 30.08.11.



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|                 |                                                             |
|-----------------|-------------------------------------------------------------|
| For Petitioners | : Mr.M.Loganathan                                           |
| For R1          | : Mr.P.Anandakumar<br>Government Advocate                   |
| For R2 and R3   | : Mr.V.Ayyadurai,<br>Senior Counsel<br>for Mr.A.Durai Eswar |

### **ORDER**

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

The writ on hand has been instituted to direct the respondents to consider the representation submitted by the petitioners dated 30.08.2011.

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



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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 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



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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.M.Loganathan, learned Counsel for the petitioners would submit that the petitioners are eligible for promotion on par 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



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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, this Writ Petition stands dismissed. No costs.

[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 – 600 014.

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

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