



W.P.No.27956 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2024
CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MR. JUSTICE P.DHANABAL**

**W.P.No.27956 of 2011
and
M.P.No.1 of 2013**

1. G.Sundar
S/o M.Govindaswamy
2. C.Sornarajan
S/o A.Chockalingam
3. T.Selvi,
Wo G.Shanmuganathan
4. V.Lakshmi Narayanan
S/o r.venkatraman
5. R.Sudhamathi
D/o K.Ramalingam
6. R.Shanmugam,
S/o S.Ramasamy
7. P.Thinakaran,
S/o V.Palanisamy
8. S.Soundarapandian,
Steno-typist, District Munsif-cum-Judicial Magistrate's Court,
Vedharanyam



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9. S.Geetha,
W/o M.Veerappan

10. K.Amudha,
W/o Jayaprakash

... Petitioners

Vs.

1. The Registrar General,
High Court of Madras,
Chennai - 104.

2. The Principal District Judge,
District Court,
Nagapattinam

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to re-fix the seniority of all the petitioners based on the date of their initial appointments in the post of Steno-typists in the combined seniority list of Junior Assistants/Typist/ Steno-typist as per Rule 36(a) of the Tamil Nadu Judicial Ministerial Service Rules and consequently promote all the petitioners to the post of Assistants and head clerk and Sheristador retrospectively with effect from the date on which their respective juniors in the original combined seniority list were promoted with all monetary and consequential service benefits within a stipulated period.



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For Petitioners : Mr.R.Prem Narayan

For Respondents : Mr.B.Vijay for R1
Mr.T.Chezhiyan
Addl.Govt.Pleader for R2

J U D G M E N T

(The order of the Court was made by J.Nisha Banu,J.)

This Writ Petition has been filed to issue a Writ of Mandamus to direct the respondents to re-fix the seniority of all the petitioners based on the date of their initial appointments in the post of Steno-typists in the combined seniority list of Junior Assistants/Typist/ Steno-typist as per Rule 36(a) of the Tamil Nadu Judicial Ministerial Service Rules and consequently promote all the petitioners to the post of Assistants and head clerk and Sheristador retrospectively with effect from the date on which their respective juniors in the original combined seniority list were promoted with all monetary and consequential service benefits within a stipulated period.

2. Since in W.P.Nos.27224 & 27225 of 2009, one of the learned Judges of the Division Bench (S.M.Subramaniam,J.) was the counsel for the petitioners in this writ petition, the present writ petition was delinked from W.P.Nos.27224 & 27225 of 2009. The Division Bench had passed an order in W.P.Nos.27224 & 27225 of 2009 on 01.03.2024. The said



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order is extracted hereunder for ready reference.

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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 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.



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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 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



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*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.*

3. Considering the facts and circumstances of the present case, we are of the view that the order passed by the Division Bench in W.P.Nos.27224 & 27225 of 2009 dated 01.03.2024, which is extracted above, will squarely applicable to the facts of the present case. Therefore, this Writ Petition stands dismissed on the same terms as in the order passed by the Division Bench of this Court in W.P.Nos.27224 & 27225 of 2009 dated 01.03.2024. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B,J.) (P.D.B., J.)
03.04.2024

Index : Yes / No
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To

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