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W.P.Nos.2576 of 2015, 8098 of 2021 and 14947 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.2576 of 2015, 8098 of 2021 and 14947 of 2023

and

M.P.No.1 of 2015

and

W.M.P.No.8656 of 2021

W.P.No.2576 of 2015

- 1.M.Suresh
2. M.Govindan
3. N.Thirunavukarasu
4. N.Dhanalakshmi

... Petitioners

Vs.

1. The Vice Chancellor,
The Tamil Nadu Dr.MGR Medical University,
No.69, Anna Salai, Guindy,
Chennai – 600 032.
2. The Tamil Nadu Dr.MGR Medical University,
Represented by its Registrar,
No.69, Anna Salai, Guindy,
Chennai – 600 032.
3. The State of Tamil Nadu,
Represented by its Secretary to Government,
Personnel & Administrative Reforms Department,
Fort St.George, Chennai – 600 009.

4. Thiru R.Pattu Selvam

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to the first Respondents proceedings made in Proc.No. EIII (1) / 27877 / 2011 dated 22.12.2014, to quash the same and consequently direct the Respondents 1 to 3 to implement G.O.Ms. No.121 P & AR department dated 18.05.2007 by reckoning the 20th vacancy for the panel year 2015-16 as per G.O. Ms. No.90 P & AR Department dated 3.9.2014 treating the vacancy in a continuous manner.

For Petitioner	: Mr.L.Chandrakumar
For R1 & R2	: Mr.A.Mohamed Gouse
For R3	: Mr.R.Vigneshwaran, Government Advocate
For R4	: Mr.K.Yasar Arafath

W.P.No.14947 of 2023

R.Pattuselvam ... Petitioner

Vs.

1. The Vice Chancellor,
The Tamil Nadu Dr.MGR Medical University,
No.69, Anna Salai, Guindy,
Chennai – 600 032.
2. The Tamil Nadu Dr.MGR Medical University,
Represented by its Registrar,
No.69, Anna Salai, Guindy,
Chennai – 600 032.



3. The State of Tamil Nadu,
Represented by its Secretary to Government,
Personnel & Administrative Reforms Department,
Fort St.George, Chennai – 600 009.

4. The Convenor,
University Administrative committee,
The Tamil Nadu Dr.MGR Medical University,
Represented by its Registrar,
No.69, Anna Salai, Guindy,
Chennai – 600 032.

5. Mr.M.Suresh

6. Mr.M.Govindan ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to the impugned order issued in Proc.No.E1(3)/25153/2022 dated 23.3.2023 on the file of the 4th respondent herein pertaining to the promotion of 5th and 6th respondent herein as Assistant Registrars, quash the same and consequently direct the respondents 1, 2 and 4 herein to fix the interse seniority of the petitioner in the post of Section officer as directed by the Governing council of the university in the order of promotion of the petitioner as Section officer viz.Proc.No.EIII(1)/27877/2011 dated 22.12.2014 and to promote the petitioner to the post of Assistant Registrar with all attendant benefits within a stipulated period.

For Petitioner : Mr.K.Govi Ganesan

For R1 & R2 : Mr.A.Mohamed Gouse

For R3 : Mr.R.Vigneshwaran,



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W.P.Nos.2576 of 2015, 8098 of 2021 and 14947 of



For R4

Government Advocate
: Mr.V.Govardhanan
for M/s.Row & Reddy

W.P.No.8098 of 2021

R.Pattuselvam

... Petitioner

Vs.

1. The Vice Chancellor,
The Tamil Nadu Dr.MGR Medical University,
No.69, Anna Salai, Guindy,
Chennai – 600 032.

2. The Registrar,
The Tamil Nadu Dr.MGR Medical University,
No.69, Anna Salai, Guindy,
Chennai – 600 032.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned proceedings passed in Proc.No.EI (3) / 64455 /2017 dated 04/03/2021 on the file of the 1st Respondent herein, quash the same.

For Petitioner : Mr.K.Govi Ganesan

For R1 & R2 : Mr.A.Mohamed Gouse

COMMON ORDER

The issue that arise for consideration in all these writ petitions are one and the same and as such, they are taken up for consideration together and are being disposed of by this common order.



2. The result of W.P.No.2576 of 2015 and W.P.No.14947 of 2023

would depend upon the result of W.P.No.8098 of 2021. Hence, W.P.No.8098 of 2021 is considered as a lead case.

3. The petitioner herein, joined as 'Steno-Typist' by direct recruitment in the respondent University and thereafter, the nomenclature of the said post was changed to 'Steno-Typist Grade-III'. Thereafter, the petitioner was promoted to the posts of 'Steno-Typist Grade II, Steno Typist Grade I and then as Selection Grade Personal Secretary-I in the revised pay scales. While he was working as 'Special Grade Personal Secretary Grade-I', the petitioner claimed that he possess all the qualification and experience for promotion to the post of Supervisory Cadre in terms of G.O (Ms) No.121, Personnel & Administrative Reforms (B) Department, dated 18.05.2007 and G.O (Ms) No.47, Personnel & Administrative Reforms (B) Department, dated 12.03.2008 and made a claim for such promotion and on the request of the petitioner, he was permitted to undergo one year training as 'Assistant', which was prerequisite for considering the case of the petitioner for promotion to the Supervisory Cadre. Accordingly, he was allowed to undergo such training and thereafter, even before considering the claim of the petitioner for promotion to the post of 'Superintendent', which is now re-designated as 'Section Officer', an order was passed, cancelling the training undergone by the petitioner for a period of one year. It was aggrieved by the said



order of cancellation, the petitioner approached this court by filing W.P.No.13862 of 2011 and the said writ petition was allowed by an order dated 15.04.2014 and further direction was issued to consider the claim of the petitioner. It was pursuant to the said order dated 15.04.2014 passed in W.P.No.13862 of 2011, the respondents passed a resolution dated 18.09.2014 to promote the petitioner. Consequently, an order of promotion dated 22.12.2014 came to be issued, while the issue of seniority and posting order to be issued at a later date. Challenging the said order of promotion dated 22.12.2014 issued in favour of the petitioner herein, W.P.No.2576 of 2015 came to be filed by the persons, who are in the feeder category to the post of 'Superintendent' viz., from the cadre of 'Assistant'. While the said writ petition was pending, the respondent University prepared a seniority list of Section Officers in the University by Order No.107 of 2017 dated 18.07.2018 and Order No.14 of 2019 dated 05.04.2019. Aggrieved by the said seniority list, the petitioner raised certain objections. At that stage, the respondent University issued a show-cause notice, dated 28.02.2020 to the petitioner to show-cause, as to why the promotion given to the petitioner to the post of 'Section Officer (Superintendent)' with effect from 23.12.2014 (FN) shall not be regulated from 09.03.2018 and why an amount of Rs.69,214 shall not be recovered, being the excess payment made in favour of the petitioner. It was thereafter, the petitioner submitted his objections on



13.03.2020 and thereafter, the respondent University passed an order dated 04.03.2021, overruling the objection raised by the petitioner and regulating the promotion of the petitioner to the post of 'Section Officer' with effect from 09.03.2018, instead of 23.12.2014. It is aggrieved by the said order dated 04.03.2021, the petitioner filed W.P.No.8098 of 2021. In view of the proceedings dated 04.03.2021, issued by the respondent University, changing the date of promotion of the petitioner to 09.03.2018 from 23.12.2014, the main relief sought in W.P.No.2576 of 2015 has become infructuous. However, the claim of the petitioners in W.P.No.2576 of 2015 for consequential consideration of their case for promotion only remains to be considered.

4. As seen from the proceedings dated 04.03.2021, whereby the date of promotion of the petitioner to the post of 'Superintendent/ Section Officer' was altered, it is noticed that the claim of the petitioner for promotion to the post of 'Section Officer' was considered in terms of G.O (Ms) No.90, Personnel & Administrative Reforms (B) Department, dated 03.09.2014, contrary to the mandate of the said Government Order. In terms of said Government Order, i.e., G.O (Ms) No.90, Personnel & Administrative Reforms (B) Department, dated 03.09.2014, the Government has provided a panel for consideration of 'Steno Typist, Grade-II and Steno Typist, Grade-I', worked as such during the period



from 01.08.1992 to 21.02.2001 and opted to the post of 'Superintendent' in every 20th vacancy in continuous manner from the year 2015-2016.

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5. Prior to issuance of the orders in G.O (Ms) No.90, Personnel & Administrative Reforms (B) Department, dated 03.09.2014, the issue was governed by G.O (Ms) No.121, Personnel & Administrative Reforms (B) Department, dated 18.05.2007, which provides for ratio of 1:20 in each panel year. When the said provision provided in the ratio of 1:20 was found impracticable, a proposal was submitted to the Government and then the Government issued orders in G.O (Ms) No.90, Personnel & Administrative Reforms (B) Department, dated 03.09.2014. It is only by virtue of the orders issued in G.O (Ms) No.90, Personnel & Administrative Reforms (B) Department, dated 03.09.2014, the case of the petitioner could be considered by the respondents. Paragraph No.5 of the said order reads as under:-

“5. The Government have examined the matter in detail and decided that every 20th vacancy in the post of Superintendent or equivalent in the concerned departments shall be earmarked for the Steno Typist Grade II and Steno Typist Grade-I in a continuous manner and need not be restricted to a panel year. Accordingly, the Government Order that the panel for the post of Superintendent and equivalent posts from the year 2015-2016, shall be drawn as per the estimate of vacancy approved and the eligible/ qualified/ suitable Steno Typist Grade-II and Steno Typist Grade-I worked as such during the period from 01.08.1992 to 21.02.2001 and opted for the post of Superintendent shall



be positioned in the every 20th vacancy in a continuous manner.”

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6. From the perusal of the above, it is evident that the Government issued orders in G.O (Ms) No.90, Personnel & Administrative Reforms (B) Department, dated 03.09.2014, is directed to be given effect only from the panel year 2015-2016. But the perusal of the order of promotion dated 22.12.2014, issued in favour of the petitioner shows that one of 20th vacancy was considered by considering the vacancies that arise from the year 2008, contrary to the mandate provided through G.O (Ms) No.90, Personnel & Administrative Reforms (B) Department, dated 03.09.2014. Therefore, for this reason only, the W.P.No.2576 of 2015 was filed and on the very same ground, the respondent University thought it fit to rectify its mistake and accordingly, considered the case of the petitioner with effect from the year 2015-2016 and accordingly, he was given promotion with effect from 09.03.2018, when the turn of 20th vacancy came up for consideration, against which the case of the petitioner can be considered. Accordingly, the date was altered.

7. This aspect of the matter was well explained by the respondents 1, 2 and 4 in their counter-affidavit at Paragraph No.8, which reads as under:-

“8. I submit that the Government issued further guidelines in G.O.(Ms).No.90, Personnel and



Administrative Reforms (B) Department, dated 03.09.2014, that every 20th vacancy in the post of Superintendent or equivalent shall be earmarked for the Steno Typist Grade-II and Steno Typist Grade-I in a continuous manner from the panel year 2015-2016 onwards and need not be restricted to a panel year. As per the above Government orders, ear marking of 20th vacancy of Section Officer for the writ petitioner was reckoned from the year 2015-2016 in a continuous manner and the 20th vacancy falls on the panel year 2016. The inter-se- seniority of Assistant Section Officer and Personal Secretary-I is as follows:

S.No	Name of the Section Officers Thiru/ Mrs.	Date of joining as Section Officer
1.	S.Vaidehi	10.06.2016 FN
2.	R.C.Ramesh	10.06.2016 FN
3.	P.V.Vijayakumar	10.06.2016 FN
4.	N.Anandhi	10.06.2016 FN
5.	P.S.Kumar	10.06.2016 FN
6.	G.Mekala	10.06.2016 FN
7.	V.Vathsala	10.06.2016 FN
8.	R.Karunakaran	10.06.2016 FN
9.	C.B.Natarajan	10.06.2016 FN
10.	R.Arivazhagan	10.06.2016 FN
11.	R.Marimuthu	10.06.2016 FN
12.	B.Dhandapani	10.06.2016 FN
13.	R.Mahalakshmi	10.06.2016 FN
14.	P.V.Venkatachalapathy	10.06.2016 FN
15.	P.Malini	10.06.2016 FN
16.	R.Malarvizhi	10.06.2016 FN
17.	K.Soundararajan	09.03.2018 FN
18.	M.Sivakumari	09.03.2018 FN



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19.	<i>A.Rajkumar</i>	<i>09.03.2018 FN</i>
20.	<i>R.Pattuselvam (Personal Secretary-I)</i>	<i>09.03.2018 FN (Regulated Date)</i>
21.	<i>V.Balaji</i>	<i>09.03.2018 FN</i>
22.	<i>E.Thilakam</i>	<i>09.03.2018 FN</i>

The above incumbents promoted to the post of Section Officer from 2015-2019 as per the seniority list issued in University order No.10/2017 dated 18.07.2017 and No.14/2019 dated 05.04.2019. The promotion to the post of Section Officer in respect of the Petitioner had been considered in the 20th vacancy by wrongly reckoning from the panel year 2008 in a continuous manner instead of reckoning from the panel year 2015-16. The 20th vacancy of Section Officer shall be earmarked to the Petitioner(Personal Secretary-I) from the panel year 2015-16 in continuous manner and fell in the year 2018. i.e. After the promotion of Thiru. Rajkumar, Assistant Section Officer and before Thiru. V.Balaji i.e. on 9.3.2018 as per the guidelines issued in G.O.(Ms).No.90, P & AR (B) Department, dated 03.09.2014. Therefore the allegations contrary the above, are hereby denied.”

There is no dispute on the contents as narrated above in Paragraph No.8.

8. In the absence of any factual dispute, there is nothing that is brought to the notice of this court to find fault with the reasoning given by the respondents in the impugned order, as well as in Paragraph No.8 of the counter-affidavit filed by the respondents 1, 2 and 4. In the circumstances, this court does not find any reason to interfere with the impugned order passed by the respondent University and accordingly, W.P.No.8098 of 2021 is dismissed.



9. Then, coming to W.P.No.2576 of 2015, as already noted above, the main relief sought in this writ petition has practically become infructuous by virtue of the proceedings bearing Proc.No.EI(3)/64455/2017, dated 04.03.2021 issued by the respondent University, which is now upheld by this court in W.P.No.8098 of 2021. Consequently, in case if the petitioners in W.P.No.2576 of 2015 are entitled for promotion from the date, anterior to the date of their actual promotion to the post of 'Section Officer', consequent upon the cancellation of the original promotion order dated 22.12.2014, the same shall be considered by the respondent University and appropriate orders be passed as expeditiously as possible at any rate within a period of eight weeks from the date of receipt of a copy of this order.

10. As far as W.P.No.14947 of 2023 is concerned, the same has been filed by the same petitioner, who filed W.P.No.8098 of 2021 challenging the promotion orders issued in favour of the petitioners in W.P.No.2576 of 2015 to the post of 'Assistant Registrar'. In view of the dismissal of W.P.No.8098 of 2021, the claim of the petitioner in W.P.No.14947 of 2023 also cannot be entertained.



11. In the light of the above, W.P.No.8098 of 2021 and W.P.No.14947 of 2023 are dismissed and W.P.No.2576 of 2015 is disposed of. No costs.

Connected miscellaneous petitions, if any, shall stand closed.

29.10.2024

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Vice Chancellor,
The Tamil Nadu Dr.MGR Medical University,
No.69, Anna Salai, Guindy, Chennai – 600 032.
2. The Registrar ,
Tamil Nadu Dr.MGR Medical University,
No.69, Anna Salai, Guindy, Chennai – 600 032.
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MUMMINENI SUDHEER KUMAR, J.

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