



WEB COPY



W.P.No.42454 of 2016

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 12.04.2024**

**CORAM**

**THE HONOURABLE Mrs. JUSTICE R.KALAIMATHI**

**W.P.No.42454 of 2016**

**and W.M.P.No.36343 of 2016**

S.Sampathkumar

...Petitioner

vs.

1. The Director of Ex-Servicemen Welfare,  
22, Raja Muthaiah Road,  
Chennai – 600 003.

2. The Joint Director of Ex-Servicemen Welfare,  
22, Raja Muthaiah Road,  
Chennai – 600 003.

3. Deputy Director of Ex-Servicemen Welfare,  
Vellore District,  
Vellore.

4. Assistant Director of Ex-Servicemen Welfare,  
Vellore District,  
Vellore.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus declaring that the petitioner is deemed to have satisfactorily completed the period of probation as



W.P.No.42454 of 2016

Junior Assistant on 26.05.2014 FN and to grant all consequential benefits including empanelment and promotion to the post of Assistant for the year 2016, without subjecting him to deputation to Condensed Foundational Training.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.S.John J. Raja Singh  
Additional Government Pleader

### **ORDER**

This writ petition is filed to direct the respondents to declare that the petitioner is deemed to have satisfactorily completed the period of probation as Junior Assistant on 26.05.2014 F.N. and to grant all consequential benefits including empanelment and promotion to the post of Assistant for the year 2016, without subjecting him to deputation to Condensed Foundational Training.

2. The petitioner was initially appointed as a Junior Assistant on 04.05.2012 in the office of the Assistant Director of Ex-Servicemen, Vellore, through TNPSC.

3. His grievance is that though he completed the period of probation on 26.05.2014 (excluding the leave period within two years), so far no



W.P.No.42454 of 2016

order has been issued that he has completed the period of probation.

WEB COPY

4. It appears that the petitioner was placed on probation for a period of two years within a period of three years from 04.05.2012 with a condition that the employee has to pass the Departmental Test and he is required to undergo Civil Services Training at Bhavanisagar within the period of probation.

5. It is learnt that the Assistant Director of Ex-Servicemen Welfare, Vellore has submitted proposals to the Director of Ex-Servicemen Welfare, Chennai – 600 003 for declaration of probation of the petitioner by letter dated 22.09.2016 and orders have not been passed.

6. As per rule 34(a) of the Tamil Nadu Ministerial Service rules, “Persons appointed to the service, whether by direct recruitment or by recruitment by transfer from another service, as the case may be, in the categories or posts specified in column (1) of Annexure V, shall pass the tests or undergo the training or acquire the qualification specified in the corresponding entry in column (2) within the period stated in or otherwise required by the corresponding entry in column (3) thereof.”



W.P.No.42454 of 2016

7. As per Serial No.(8) under Column (1) of Annexure V to rule 34(a) of the Tamil Nadu Ministerial Service rule, “Junior Assistants appointed by direct recruitment on or after the 3<sup>rd</sup> July, 1974 has to undergo Foundational Training for a period of two months within the prescribed period of probation”.

8. It is learnt that the petitioner was ordered to undergo training at Bhavanisagar Government Servants' Foundational Training Centre during the period of probation as per proceedings No.6310/2012/E1 dated 16.09.2015 of the Additional Director of Ex-Servicemen's Welfare, Chennai – 600 003 as it is a mandatory requirement to be completed by the probationer during the period of probation as per the said rules.

9. It was put fourth that when the petitioner was nominated to undergo foundational training at Bhavanisagar Government Servants Foundational Training School, Vincent, AR Kumarasampatti, Salem-7 through proceedings No.643/2016/E3 dated 05.12.2016 of the Joint Director, Directorate of Ex-Servicemen's Welfare, Chennai-3 as per Serial No.(8) under Column (1) of Annexure V to rule 34(a) of the Tamil Nadu Ministerial Service Rules in response to the letter No.அ9/5872/2016 dated 28.11.2016 of the District Revenue Officer/Principal, Government



W.P.No.42454 of 2016

Servants Training Institute, Bhavanisagar for allotment of vacancies to the foundational training to the staff of Department of Ex-Servicemen's Welfare. An intimation was sent by the Deputy Director of Ex-Servicemen's Welfare, Vellore that the petitioner had refused to receive the said proceedings to undergo the said training.

10. On perusal of records, it appears that a petition was filed by the petitioner for interim injunction restraining respondents from deputing him to the Condensed Foundational Training, pending disposal of the writ petition. An order of status quo for a period of two weeks was passed by this Court in W.M.P.No.36343 of 2016 dated 02.12.2016.

11. When it is mandatory on the part of the petitioner to undergo the training as mentioned supra, he refused to undergo training as per the proceedings No.643/2016/E3 dated 05.12.2016 of the Joint Director, Directorate of Ex-Servicemen Welfare, Chennai – 600 003.

12. It is made clear that the petitioner had refused to undergo the training. Therefore, the question of deemed declaration of probation does not arise, because the training being a mandatory requirement to be fulfilled in order to declare his probation as per S.No.(8) under Column (1)



W.P.No.42454 of 2016

of Annexure V to rule 34(a) of the Tamil Nadu Ministerial Service Rules.

WEB COPY

13. On the date of filing of writ petition, the petitioner was aged about 53 years/2016.

14. In the light of the above said observations, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

**12.04.2024**

Index : Yes/No  
Internet : Yes/No  
Speaking Order/Non-Speaking Order  
Neutral Citation Case : Yes/No  
mac



W.P.No.42454 of 2016

To

1. The Director of Ex-Servicemen Welfare,  
22, Raja Muthaiah Road,  
Chennai – 600 003.
2. The Joint Director of Ex-Service Welfare,  
22, Raja Muthaiah Road,  
Chennai – 600 003.
3. Deputy Director of Ex-Servicemen Welfare,  
Vellore District,  
Vellore.
4. Assistant Director of Ex-Servicemen Welfare,  
Vellore District,  
Vellore



WEB COPY



W.P.No.42454 of 2016

**R.KALAIMATHI, J.**

mac

**W.P.No.42454 of 2016**  
**and W.M.P.No.36343 of 2016**

**12.04.2024**