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W.A.Nos.2189, 2187, 2188 & 2191 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.03.2024

CORAM

THE HON'BLE MR. JUSTICE R. MAHADEVAN
AND
THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ

W.A.Nos.2189, 2187, 2188 & 2191 of 2022

and

C.M.P.Nos.16333, 16323, 16326, 16330, 16344 & 16345 of 2022

1. The District Collector
Villupuram District
Villupuram
 2. The Personal Assistant to District Collector
(Development), Collectorate
Villupuram and District
- Vs.
- | | |
|---------------|-----------------------------|
| A.Gangatharan | .. Respondent in WA.2189/22 |
| K.Kandasamy | .. Respondent in WA.2187/22 |
| G.Ganesan | .. Respondent in WA.2188/22 |
| A.Elumalai | .. Respondent in WA.2191/22 |
- .. Appellants in all WAs

Writ Appeals filed under Clause 15 of the Letters Patent, against the common order dated 10.01.2022 passed in W.P.Nos.7813 of 2018, 7816 of 2018, 7815 of 2018 and 7814 of 2018, respectively.

For appellants	: Mr. S.Yashwanth
in all WAs	Additional Government Pleader
For respondent	: Mr.A.R.Suresh
in all WAs	



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COMMON JUDGMENT
(delivered by R. MAHADEVAN, J.)

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The respondents' declaration of probation was cancelled by the second appellant *vide* proceedings dated 30.12.2016 on the ground that they had not completed their functional training at Bhavani Sagar. The said proceedings was assailed by the respondents before a learned Judge in W.P. Nos.7813 to 7816 of 2018, which, by a common order dated 10.01.2022, were allowed by the learned Judge following a slew of orders passed by this Court holding that if there is administrative delay in deputing the staff for functional training at Bhavani Sagar, that cannot be put against the staff and their declaration of probation cancelled. The said order is put to assail in this batch of writ appeals preferred by the State.

2. The learned Additional Government Pleader appearing for the appellants, after advancing some submissions, brought to the notice of this Court that the following portion in paragraph no.3 of the counter affidavit filed in the writ petitions, was not considered when the order impugned in these writ appeals came to be passed.

“3. ... it is submitted that the petitioner was appointed as Junior Assistant on 1.6.2009 and wrongly declared probation with effect from 31.5.2011 merely considering 2 years of service and ignoring date of passing basic training examinations held at Bhavani Sagar Training Centre which is a mandatory for declaring probation. The petitioner



has failed in the examinations held on March 2012 at the above said training centre which is mandatory for probation declaration & further promotion. He has appeared on next batch of training held during May to July 2012 and passed in the second attempt only on 24.7.2012. Hence his probation declaration was revised on par with 24.7.2012 afternoon i.e., the actual date of passing the examinations. Earlier his name was mistakenly included the panel as if he was passed the examinations. After considering appeal of others who had passed the required examinations earlier than the petitioner, it was find out his name was included wrongly before he had passed the examinations. Hence, the petitioner's probation order which was wrongly declared w.e.f. 31.5.2011 i.e., before he has passed the required examinations, was cancelled by the 2nd respondent in the order Na.Ka.PA1/121/2016 dated 30.12.2016 and issued a revised probation declaration order with effect from 24.7.2012 afternoon i.e. from the date of passing the examinations. Hence, it is humbly submitted that no violation of rule of law has occurred."

3. On the above ground, the learned Additional Government Pleader confined the prayer made in these writ appeals to the extent of remanding the matters to the learned Judge for an order to be passed by considering the above portion of the counter affidavit.

4. The learned counsel for the respondents has no serious objection for the remand of the matters to the learned Judge.

5. In view of the above, without expressing any opinion on the merits of the issue, the order impugned herein is set aside and the matters are remitted back to the learned Judge for passing appropriate orders afresh as expeditiously as possible, by considering the averments of the appellants in paragraph no.3 of



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their counter affidavit filed in the writ petitions, extracted in paragraph 2, *supra*.

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6. These writ appeals stand disposed of accordingly. No costs.

Connected Miscellaneous Petitions are closed.

[R.M.D, J.] [M.S.Q, J.]
19.03.2024

Neutral Citation : Yes/No
gya/cad

To

1. The District Collector
Villupuram District
Villupuram
2. The Personal Assistant to District Collector
(Development), Collectorate
Villupuram and District



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