



WEB COPY



W.P.No.25626 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25626 of 2022

G.Sampath

...Petitioner

-Vs -

1. The Government of Tamilnadu,
Rep. by Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai – 09.

2. The Inspector General of Registration,
Santhome Road,
Mylapore, Chennai – 28.

3. The State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai – 09.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to forthwith issue appropriate orders declaring the petitioner to be deemed to have completed probation as on 03.08.2014 and issue orders regularizing the petitioner's services in the post of Junior Assistant and to promote and issue orders for promotion to the next higher post on Assistant and Sub Registrar Grade-2 on par with the petitioner's immediate junior and to grant all consequential benefits within a limited time frame as deemed fit by this Court.



W.P.No.25626 of 2022

Committee, requested the petitioner to appear before the committee for enquiry on 30.09.2011. The petitioner appeared for enquiry along with all original documents and records before the State Level Scrutiny committee and produced the same. Upon satisfying all the certificates and documents produced by the petitioner, the second respondent by its proceeding dated 30.05.2012 issued an order of appointment to the post of Junior Assistant under Group-IV in the pay scale of Rs.5200-20200 + Grade pay 2400/-. He was posted in the office of the District Registrar, Central, Chennai. Thereafter, the petitioner also cleared all the departmental examinations.

4. While being so, once again the State Level Scrutiny Committee called the petitioner for enquiry by the communication dated 20.11.2012. The enquiry was fixed on 11.12.2012 in the Chambers of the Chairman, State Level Scrutiny Committee. As per the communication, the petitioner had appeared for enquiry conducted by the State Level Scrutiny Committee and produced all the documents in original copies. Thereafter, no order has been passed as such the petitioner was under impression that his community certificate is genuine and no query raised by the State Level Scrutiny Committee. However, the petitioner has been



W.P.No.25626 of 2022

stagnated in the same post of Junior Assistant without any probation, regular increments or grant of annual leave or any further promotions except the first two increments. Now the petitioner is in the verge of retirement. Therefore, the petitioner submitted representation and the same was not considered by the respondents. Hence the present writ petition.

5. Heard the learned counsel appearing on either side and perused the material placed before this Court.

6. On perusal of the counter affidavit filed by the second respondent and also on the submission made by the learned Government Advocate appearing for the respondents revealed that, the selection of the petitioner for temporary appointment to the post of Junior Assistant is provisional, subject to the receipt and acceptance of the report of the State Level Scrutiny Committee, with regard to community claim made by the candidates and further informed that if his claim is found to be not genuine at a later date, he is liable for such penal and legal action including recovery of salary as a consequence thereof, and his temporary service should not be regularized until receipt of the Commission's letter



W.P.No.25626 of 2022

authenticating genuineness of his community claim.

WEB COPY

7. Admittedly, the State Level Scrutiny Committee after due enquiry declared that the community certificate of the petitioner was genuine one and on such declaration, the second respondent issued order of appointment on 30.05.2012 to the petitioner for the post of Junior Assistant in the office of District Registrar, Central, Chennai. Thereafter, the petitioner joined in the post of Junior Assistant on 08.06.2012, and till today he is serving as Junior Assistant.

8. Though, once again the petitioner was called for enquiry on 11.12.2012, for production of original certificate, the State Level Scrutiny Committee did not declare that the community certificate of the petitioner is not genuine one. Even till today, the petitioner's service has not been declared and as such it is deemed to have been declared as on 31.08.2014 viz., immediately after completion of two years of his service. Further he is entitled to regularization of his service and also his probation liable to be declared in the post of Junior Assistant. Further he is entitled for all benefits on par with his junior and further promotion to the post of Assistant, Sub Registrar Grade-2 on par with his junior.



W.P.No.25626 of 2022

WEB COPY 9.

In view of the above discussions, the first and second respondents are directed to pass appropriate orders declaring that the petitioner had successfully completed his probation period and regularize the service of the petitioner as on 31.08.2014 in the post of Junior Assistant from the date of his initial appointment. The respondents 1 & 2 are also directed to give notional promotion to the petitioner to the post of Assistant and Sub Registrar Grade-2, on par with his junior and to grant all consequential benefits to the petitioner within a period of eight weeks from the date of receipt of a copy of this Order.

10. With the above directions, the Writ Petition stands allowed.

There shall be no orders as to costs.

08.03.2024

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

rts



W.P.No.25626 of 2022

WEB COPY To

1. The Secretary to Government,
Government of Tamilnadu,
Commercial Taxes and Registration Department,
Secretariat, Chennai – 09.
2. The Inspector General of Registration,
Santhome Road,
Mylapore, Chennai – 28.
3. The State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai – 09.



WEB COPY



W.P.No.25626 of 2022

G.K.ILANTHIRAIYAN. J.

rts

W.P.No.25626 of 2022

08.03.2024