



WEB COPY



W.P.No.24209 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2024

CORAM:

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

W.P.No.24209 of 2023
and W.M.P.Nos.23668 & 28553 of 2023

1. N.K.Dhanapalan
(P1 amended as per the order
dated 15.11.2023 in W.M.P.
No.25328 of 2023 in W.P.
No.24209 of 2023)
2. S.Vetriselvi
3. L.Kannagi
4. R.Rajkumar
5. O.Janakiram
6. K.Palani
7. D.Gnanavel
8. G.Ramu

...Petitioners

-Vs -

1. The State of Tamil Nadu,
Rep by the Additional Chief Secretary,
Labour Welfare & Skill Development Dept.,
Secretariat, Chennai – 600 009.
2. The Commissioner of Labour,
DMS Complex, Anna Salai,
Chennai – 600 005.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent in its order No.E2/12659/2012 dated



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18.11.2022, quash the same and consequently direct the second respondent to declare the probation of the petitioners with effect from the date mentioned in his earlier order No.E2/12659/2012-2 dated 07.11.2022.

For Petitioners : Mr.R.Syed Mustafa
For Respondents : Mrs.R.L.Karthika
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the second respondent thereby cancelled the declaration of the petitioners' probation.

2. The petitioners were initially appointed in the year 2002 as Assistant Inspector of Labour and thereafter they were promoted as Deputy Inspector of Labour in the year 2010. The next higher post is that of Labour Officer, which is governed by the Special Rules for the Tamil Nadu Labour Service. As per the Special Rules, the method of recruitment is by direct recruitment and transfer of service from the category of Deputy Inspector of Labour. In pursuant to the estimated vacancies, the petitioners appointed by the method of recruitment by transfer to the post of Labour Officer, now re-designated as Assistant Commissioner of Labour, on 02.04.2012.



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3. As per the Rule 4(a) of the Special Rules, every person appointed by direct recruitment or recruitment by transfer to the post of Labour Officer shall, from the date on which he joins duty, be on probation for a total period of two years duty, within a continuous period of three years. The second respondent is the competent authority to declare completion of probation or for extension of the probation period. Sub clause 1-A of Rule 6 of the Special Rules provides that any person recruited directly should undergo Foundational Course “A” for a period of eight weeks at the Civil Service Training Institute at Bhavanisagar or any other course that may be specified by the government and pass the test conducted at the end of the training, within the period of probation. However, such training is not required to be satisfied by such of those appointees by person who have completed 53 years of age on the date of commencement of the said post.

4. Insofar as the first petitioner is concerned he completes 53 years of age on the date of commencement of the said post. Therefore, he need not to undergo the foundational course. Other petitioners were not subjected for any foundational course. However, they were declared the



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completion of their probation by the proceedings dated 07.11.2022.

Thereafter, by the impugned proceeding dated 18.11.2022, their declaration of probation was withdrawn by the second respondent.

Hence, the petitioners filed this writ petition with the above said prayer.

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

6. On written instruction, the learned Government Advocate appearing for the respondents submitted that inadvertently the petitioners have not been deputed to the foundation course “A” being conducted by the Training Institute of Anna Administrative Staff College. Thereafter, the petitioners along with others have been deputed to the Foundation Course “A” training from 06.11.2023 to 15.12.2023 and from 18.12.2023 to 06.02.2024 at the Foundation “A” & “B” Training Institute at Anna Administrative Staff College. Further necessary action will be taken to declare the completion of probation of the petitioners with retrospective effect.

7. In view of the above facts and circumstances, the impugned



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order cannot be sustained and liable to be quashed. Accordingly, the impugned order dated 18.11.2022, passed by the second respondent in its order No.E2/12659/2012, is hereby quash. The second respondent is directed to restore the petitioners' original declaration of their probation period as per the earlier order dated 07.11.2022.

8. With the above directions, the Writ Petition stands allowed. Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

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Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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G.K.ILANTHIRAIYAN. J.

rts

To

1. The Additional Chief Secretary,
State of Tamil Nadu
Labour Welfare & Skill Development Dept.,
Secretariat, Chennai – 600 009.
2. The Commissioner of Labour,
DMS Complex, Anna Salai,
Chennai – 600 005.

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