



W.P.No.33686 of 2023 etc batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM:

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

W.P.Nos.33686, 35257, 35412 of 2023 & 4524 of 2024

W.P.No.33686 of 2023

- 1.P.Jeeva
- 2.P.Ganesan
- 3.R.Balamani
- 4.A.Kannamma
- 5.N.Loganathan
- 6.M.Kamala
- 7.S.Vasantha
- 8.P.Abirami
- 9.N.Lakshmi
- 10.S.Selvamani
- 11.N.Senkuttuvan
- 12.B.S.Kanthamaran
- 13.K.Elilarasi
- 14.T.Ramamani
- 15.A.Saroja
- 16.G.Marudaiyan
- 17.A.Victoria
- 18.K.Muthukrishnan
- 19.R.Indrani
- 20.S.Valarmathi
- 21.S.Hema
- 22.R.Chandran
- 23.M.Subramaniam
- 24.V.Prakasam
- 25.P.V.Rajasekaran
- 26.A.Sharbunisha



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- 27.D.Sundari
- 28.V.Mythili
- 29.S.Saroji
- 30.A.Sulochana
- 31.D.Salath Mary
- 32.S.Madasamy
- 33.N.Muthulakshmi
- 34.A.Rajappan
- 35.K.Shanmugathai
- 36.G.Shanmugathai
- 37.R.Ramamoorthi
- 38.S.Thurairaj
- 39.K.Alagammal
- 40.G.Sarasu
- 41.N.Pushpa
- 42.R.Rathinam
- 43.R.Babu
- 44.G.G.Nathan
- 45.N.Kousalya
- 46.M.Padmavathi
- 47.T.Thilagavathi
- 48.M.Danikachalam
- 49.V.Savithiri
- 50.R.Anusuya Devi
- 51.S.Elizabeth
- 52.K.Padmavathi
- 53.N.Dhandapani
- 54.M.Krishnasamy
- 55.Lakshmi
- 56.K.Arumugam
- 57.Joyce Manohari
- 58.M.S.Revathi
- 59.G.Usha
- 60.C.Solachi
- 61.N.Ganapathi
- 62.Vani Saraswathi
- 63.S.Jeyalakshmi
- 64.K.Kalaavathi

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Petitioners



W.P.No.33686 of 2023 etc batch

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Vs

1. The Government of Tamil Nadu
represented by the Additional Chief Secretary to Government,
Animal Husbandry, Dairying, Fisheries and
Fishermen Welfare Department, Fort St.George,
Chennai – 600 009.

2.The Director of Animal Husbandry and
Veterinary Services, Chennai – 600 035.

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned orders of the second respondent in Na.Ka.No.13682/R2/2020 dated 26.08.2021 and quash the same in so far as it restricts the monetary benefits consequent on the restoration of seniority and promotion on par with petitioner's junior Mr.P.Srinivasan with effect from 05.10.1990 to pensionary benefits alone and thereby denies monetary benefits for the period prior to the date of retirement and direct the respondents to grant monetary benefits from 05.10.1990 to their respective dates of retirement.

W.P.No.35257 of 2023

1.A.Gunathilagam
2.C.Jesintha

..... Petitioners

Vs

1. The Government of Tamil Nadu
represented by the Additional Chief Secretary to Government,
Animal Husbandry, Dairying, Fisheries and
Fishermen Welfare Department, Fort St.George,
Chennai – 600 009.



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2.The Director of Animal Husbandry and
Veterinary Services, Chennai – 600 035.

3.The Joint Director,
Directorate of Animal Husbandry and
Veterinary Services, Chennai – 600 035.

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to grant us promotion as Assistant with reference to the revised seniority list issued by the second respondent in Na.Ka.No.19646/R2/2016 dated 01.08.2018 and with effect from 05.10.1990, the date on which our junior Mr.P.Srinivasan was promoted and grant us all consequential benefits.

W.P.No.35412 of 2023

1.D.Bakyalakshmi
2.C.Geetha
3.R.Malarvizhi
4.K.Rajammal
5.R.Gurunathan
6.S.A.Malarvizhi
7.R.Neelavathi
8.G.Krishnaveni

..... Petitioners

Vs

1. The Government of Tamil Nadu
represented by the Additional Chief Secretary to Government,
Animal Husbandry, Dairying, Fisheries and
Fishermen Welfare Department, Fort St.George,
Chennai – 600 009.

2.The Director of Animal Husbandry and
Veterinary Services, Chennai – 600 035.

..... Respondents



W.P.No.33686 of 2023 etc batch

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to grant the petitioners promotion as Assistant with reference to the revised seniority list issued by the second respondent in Na.Ka.No.19646/R2/2016 dated 01.08.2018 with effect from the respective dates of passing the departmental tests and grant them all consequential benefits.

W.P.No.4524 of 2024

- 1.S.A.Ramaiah
- 2.A.Uma Maheswari
- 3.C.Santhanamary Abishehamani
- 4.S.Raziya Begum
- 5.S.Subbaiah
- 6.K.Rose Mary
- 7.M.Nithyakalyani
- 8.V.Veeraiah
- 9.M.Ambiga
- 10.M.M.Senthamarai Selvi
- 11.T.R.Gunasekaran
- 12.B.Krishnamoorthy

..... Petitioners

Vs

1. The Government of Tamil Nadu
represented by the Additional Chief Secretary to Government,
Animal Husbandry, Dairying, Fisheries and
Fishermen Welfare Department, Fort St.George,
Chennai – 600 009.

2.The Director of Animal Husbandry and
Veterinary Services, Chennai – 600 035.

..... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records



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relating to the impugned orders of the second respondent in Na.Ka.No.13682/R2/2020 dated 28.10.2021 and Na.KA.No.13682/R2/2020-4,9,5,7,3,10 dated 25.10.2021 and quash the said orders and direct the respondents to grant the petitioners promotion as Assistant with reference to the revised seniority list issued by the second respondent in Na.Ka.No.19646/R2/2016 dated 01.08.2018 with effect from the respective date of passing the departmental tests and grant them all consequential benefits.

In all W.Ps

For Petitioners : Mr.P.Manoj Kumar

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

COMMON ORDER

W.P.No.4524 of 2024 has been filed challenging the order passed by the second respondent dated 25.10.2021 & 28.10.2021, thereby rejected the request made by the petitioners for promotion as Assistant with reference to the revised seniority list.

2. W.P.Nos.35257 & 35412 of 2023 have been filed for direction directing the respondents to promote the petitioners to the post of Assistant as per the revised seniority list dated 01.08.2018.



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3. W.P.No.33686 of 2023 has been filed challenging the order passed by the second respondent dated 26.08.2021 thereby rejected the request made by the petitioners seeking promotion on par with their junior with effect from 05.10.1990.

4. The issue in all the writ petitions are one and the same. Therefore, this Court is inclined to pass a common order.

5. The petitioners in all the writ petitions were appointed before 25.06.1984 as Junior Assistants/Typists/Steno Typists temporarily under Rule 10(a) (1) of the Tamil Nadu State and Subordinate Services Rules. In the year 1984, the Government of Tamil Nadu issued orders in G.O.Ms.No.996, P and AR Department, dated 22.09.1984, ordering that all the temporary Junior Assistants, Typists and Steno Typists who were in service on 25.06.1984 be regularised with effect from 25.06.1984. Accordingly, their services were regularised with effect from 25.06.1984 as Special Absorption candidates. Subsequently, G.O.Ms.No.548, P and AR Department, dated 19.06.1987, has been issued for fixation of seniority and other service condition for the Special Absorption candidates. It was given effect from 25.06.1984. The post of



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Junior Assistants, Typists and Steno Typists were also filled up on compassionate grounds. In respect of those candidates who were appointed on compassionate ground, the Government of Tamil Nadu issued orders in G.O.Ms.No.951, P and AR Department, dated 14.09.1984 with regard to fixation of seniority. Accordingly, their seniority has to be fixed with reference to the year of selection of Tamil Nadu Public Service commission and their seniority has to be fixed inter-se on the date of appointment of the candidates selected by the Service Commission.

6. Therefore, there were three sets of candidates viz., (i) candidates selected by the Tamil Nadu Public Service Commission in November, 1983. (ii) Special Absorption candidates whose services were regularised with effect from 25.06.1984 and (iii) candidates who were appointed on compassionate grounds. There was dispute among them while fixation of their seniority. Finally, the issue was settled by the Hon'ble Supreme Court of India in Civil Appeal No.9417-9418 of 1985 and accordingly, those who were selected in the competitive examination held in the year 1983 were placed above the Special Absorption candidates whose services were regularised with effect from 25.06.1984. Insofar as those who



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were appointed on compassionate ground after the appointment of the Special Absorption candidates are concerned, they were placed below the Special Absorption candidates.

7. In the meanwhile, one Mr.P.Srinivasan, who was appointed on compassionate ground on 16.10.1984, was placed above the Special Absorption candidates. It was challenged before the Hon'ble Supreme Court of India. Finally, the Director, Animal Husbandry and Veterinary Services, Chennai, issued a revised seniority list on 01.08.2018. Accordingly, their seniority was correctly fixed and the compassionate ground appointees, who were appointed after 25.06.1984, were correctly placed below the Special Absorption candidates. Though the persons whose services were regularised as Special Absorption candidates were placed above the said Mr.P.Srinivasan, the petitioners were not placed above the said Mr.P.Srinivasan on the ground that the petitioners did not pass the departmental test as on 15.03.1989. They passed the department tests only on 15.03.1989. Therefore, their names were not included in the revised panel for promotion as Assistant as on 15.03.1989.



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8. The learned counsel appearing for the petitioner would submit

that though the petitioner had not passed the department tests before 15.03.1989, within a short period after 15.03.1989, all the petitioners passed their departmental tests. Therefore, they became eligible for inclusion in the promotion panel.

9. A perusal of the records reveals that admittedly all the petitioners were absorbed as Special Absorption candidates and their services were regularised with effect from 25.06.1984 as per the Government Order in G.O.Ms.No.996, P and AR Department, dated 22.09.1984. As per the order passed by the Hon'ble Supreme Court of India, after rectification of seniority, the panel for promotion to the post of Assistant as on 15.03.1989 was published by the second respondent on 01.08.2018. However, the petitioners did not pass their departmental tests before 15.03.1989 and as such, their names were not included in the panel for promotion to the post of Assistant as on 15.03.1989. Therefore, this Court finds no infirmity or illegality in the orders passed by the second respondent. Thus, all the writ petitions are devoid of merits and are liable to be dismissed.



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10. Accordingly, all the writ petitions stand dismissed. No costs.

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26.02.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

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Animal Husbandry, Dairying, Fisheries and
Fishermen Welfare Department, Fort St.George,
Chennai – 600 009.

2.The Director of Animal Husbandry and
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3.The Joint Director,
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G.K.ILANTHIRAIYAN. J,

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