



W.P.(MD)No.17620 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.17620 of 2024

and

W.M.P.(MD)No.15132 of 2024

M.Sreekumar

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai-600 009.

2.The Director of Rural Development and Panchayat Raj Department,
O/o.the Director Rural Development and Panchayat Raj Department,
Panagal Building, Saidapet, Chennai.

3.The District Collector,
Kanyakumari District,
Nagercoil,
Kanyakumari District.

4.The Commissioner,
Thoivalai Panchayat Union,
Thoivalai,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to pass order that the petitioner is deemed to have completed the probation by virtue of operation of Rule 27(b) of the Tamil Nadu State and Subordinate Service Rules and



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consequently confer all other service and monetary benefits within the time that may be stipulated by this Court.

For Petitioner : Mr.S.Mohamed Imran
for M/s.Ajmal Associates
For R1 to R3 : Mr.J.Ashok
Additional Government Pleader
For R4 : Mr.R.Ragavendran
Government Advocate

ORDER

Heard Mr.S.Mohamed Imran, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the respondents 1 to 3 and Mr.R.Ragavendran, learned Government Advocate appearing for the fourth respondent.

2.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner has filed this writ petition stating that despite he has been in service for more than 10 years, his probation is not yet declared and hence, he seeks to issue a direction to the respondent to declare the probation period.



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4.The learned counsel for the petitioner submits that as per the Tamil Nadu State and Subordinate Service Rules, provides that the period of probation is 2 years within a continuous period of three years service. However, even after completing 10 years of continuous service, no action has been taken by the respondents to declare the probation period of the petitioner.

5.The learned Additional Government Pleader for the respondents submitted that the petitioner's initial appointment itself is under challenge before this Court and in this regard, several writ petitions and writ appeals are pending. Only after the disposal of the above litigations, the request of the petitioner would be considered.

6.Merely on the ground that some litigations are pending with regard to the initial appointment of the petitioner, the valid claim of the petitioner cannot be denied. It is the for the respondents to expedite the proceedings in the pending litigations and get the same disposed of. The petitioner cannot be unnecessarily dragged even without knowing his permanency merely citing the pendency of the litigations.

7. In view of the same, this writ petition is disposed of directing the respondent to consider the representation of the petitioner dated 19.07.2024 on



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its own merits and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

Consequently, connected miscellaneous petition is closed.

30.07.2024
(1/4)

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

- 1.The Government,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai-600 009.
- 2.The Director of Rural Development and Panchayat Raj Department,
O/o.the Director Rural Development and Panchayat Raj Department,
Panagal Building, Saidapet, Chennai.
- 3.The District Collector,
Kanyakumari District,
Nagercoil,
Kanyakumari District.
- 4.The Commissioner,
Thovalai Panchayat Union,
Thovalai,
Kanyakumari District.



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R.N.MANJULA, J.

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