



W.A.(MD).No.2567 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

CORAM:

THE HONOURABLE MR JUSTICE M.S. RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.A.(MD).No.2567 of 2024
and C.M.P(MD).No.18108 of 2024

1.The Joint Director (Personal),
Commissioner of School Education Department,
DPI Campus, College Road,
Chennai-600 006.

2.The Chief Educational Officer,
Tenkasi, Tenkasi District.

...Appellants

Vs

S.Sekkilar

...Respondent

PRAYER: Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the order dated 21.12.2023 in W.P.(MD).No.30646 of 2023 on the file of this Court.

For Appellants : Mr.J.Ashok
Additional Government Pleader

For Respondent :Mr.V.R.Shanmughanathan

JUDGEMENT



W.A.(MD).No.2567 of 2024

(Judgement of the Court was made by the M.S.Ramesh J.)

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This Writ Appeal has been filed to set aside the order dated 21.12.2023 made in W.P.(MD).No.30646 of 2023

2. Heard the learned counsel on either side and perused the materials available on record.

3. When the name of the respondent herein in the seniority list published on 21.09.2022 for the post of Regular Superintendent was prepared, a remark was made therein that charges under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules was pending and therefore, he was not posted as Regular Superintendent. When the respondent herein had challenged the said seniority list, with a consequential direction for including his name in the panel for the post of Regular Superintendent, a learned Single Judge of this Court, through his order dated 21.12.2023, passed in W.P(MD).No.30646 of 2023, allowed the Writ Petition by holding that the posts of Desk / Upgraded Superintendent and Regular Superintendent are equal cadre, receiving the same scale of pay and the mode of designating a Regular



W.A.(MD).No.2567 of 2024

Superintendent was only by way of transfer of service, therefore, the same cannot be termed as a promotion. Consequently, the learned Single Judge directed the appellants herein to include the name of the respondent herein in the list and appoint him as a Regular Superintendent with all benefits.

4. In our view, the learned Single Judge had rightly come to such a conclusion since reliance has been placed on G.O.(Ms).No.111, dated 22.04.2010, which declares that the posts of Desk / Upgraded Superintendent are equal to the post of Regular Superintendent and carrying the same scale of pay and that the Regular Superintendent post is not a promotional post and therefore, pendency of a charge memo under Rule 17(b) of Tamil Nadu Civil Service (Discipline and Appeal) Rules will not be an impediment for transferring the respondent herein to a Regular Superintendent. When the Government order itself declares these two posts to be equal and will carry the same scale of pay and the service rules applicable to the respondent herein also do not show it as a promotional post, the pendency of 17(b) charge for transferring the respondent herein as a Regular Superintendent will not stand as a bar.



W.A.(MD).No.2567 of 2024

M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.
Anu

5. As such, we do not find any infirmity in the order of the learned Single Judge. Accordingly, this Writ Appeal stands dismissed. Consequently, connected miscellaneous petition is closed.

(M.S.R.,J.) (A.D.M.C.,J)
30.01.2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No
Anu

W.A.(MD).No.2567 of 2024
and C.M.P(MD).No.18108 of 2024