



W.P.Nos.16832 of 2012 and 1391 and 28097 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 14.08.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.16832 of 2012 and 1391 and 28097 of 2013

and

M.P.No.1 of 2013

and

W.M.P.Nos.31237, 31238 and 31236 of 2016

W.P.No.16832 of 2012

The Ex-Servicemen Welfare Department

Administrative Employees' Association,

Registration No – 36 of 2009

No-1, Kallar Street, Periyamilagu Parai,

Tiruchirappalli – 620 001

Represented by its State President Mr.M.Balasubramanian ... Petitioner(s)

Vs.

1. The Secretary to Government,
Public (Ex-Servicemen) Department,
Government of Tamil Nadu,
Secretariat, Chennai – 600 009.
2. The Secretary to Government,
Personnel and Administrative Reforms Department,
Government of Tamil Nadu,
Secretariat, Chennai – 600 009.
3. The Joint Secretary to Government,



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Public (Ex-Servicemen) Department and
Ex-Officio Director, Government of Tamil Nadu,
Secretariat, Chennai – 600 009.

4. The Secretary/ Director,
Rajya Sainik Board/ Department of Sainik Welfare,
Government of India, Ministry of Defence,
Kendriya Sainik Board, West Block-4, Wing-5,
R.K.Puram, New Delhi – 110 066.

5. The Secretary,
Tamil Nadu Public Service Commission,
Greens Road, Chennai – 600 006.

... Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, (i) calling for the entire records pertaining to the orders issued in the impugned order Letter No.4457/Ex-Ser/2011-4, Pub (Ex-Ser) Department, dated 07.07.2011, as well the impugned order passed by the first respondent in G.O No.831 Pub (Ex-Ser) dept dated 04.05.1981 and quash the same and consequently (ii) direct him to follow the ratio 1:2 between direct recruits and promotees for appointment to the post of Assistant Director in the Director of Ex-Servicemen's Welfare based on the common order made on 17.02.1977 vide P&AR Department G.O. Ms.No.200 by the second respondent or modify or issue amendment to the special rules made in the impugned G.O by the first respondent on the above lines.

For Petitioner(s) : No appearance

For R1 to R3 : Mr.K.H.Ravikumar,



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Government Advocate

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For R4

: Ms.G.Hema

For R5

: Mr.R.Bharanidaran

W.P.No.1391 of 2013

The Ex-Servicemen Welfare Department

Administrative Employees' Association,

Registration No – 36 of 2009

No-1, Kallar Street, Periyamilagu Parai,

Tiruchirappalli – 620 001

Represented by its State President Mr.M.Balasubramanian ... Petitioner(s)

Vs.

1. The Secretary to Government,
Public (Ex-Servicemen) Department,
Government of Tamil Nadu,
Secretariat, Chennai – 600 009.
2. The Secretary to Government,
Personnel and Administrative Reforms Department,
Government of Tamil Nadu,
Secretariat, Chennai – 600 009.
3. The Joint Secretary to Government,
Public (Ex-Servicemen) Department and
Ex-Officio Director, Government of Tamil Nadu,
Secretariat, Chennai – 600 009.
4. The Secretary,
Tamil Nadu Public Service Commission,
Greens Road, Chennai – 600 006. ... Respondent(s)



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, (i) calling for the entire records pertaining to the orders issued in the impugned order made on 03.01.2013 vide G.O (Ms) No.7, Pub (Ex-Ser) dept as well the original impugned order passed by the first respondent in G.O No.831 Pub (Ex-Ser) dept dated 04.05.1981 and quash the same and consequently; (ii) direct him to follow the ratio 1:2 between direct recruits and promotees for appointment to the post of Assistant Director in the Directorate of Ex-Servicemen's Welfare in pursuant of Art.14 and on par with the staff recruited and appointed to other departments and other welfare departments such as Social Welfare Department, Adi-Dravidar welfare department, backward class, Most Backward class and minority welfare departments alike under Ministerial Service by the fourth respondent TNPSC or modify or issue amendment to the Special Rules made in the original impugned G.O by the first respondent on the above lines.

For Petitioner(s) : No appearance

For R1 to R3 : Mr.K.H.Ravikumar,
Government Advocate

For R4 : Mr.R.Bharanidaran

W.P.No.28097 of 2013

Mrs.K.V.Jayashree

... Petitioner(s)

Vs.



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1. The Secretary to Government,
Public (Ex-Servicemen) Department,
Government of Tamil Nadu,
Secretariat, Chennai – 600 009.
2. The Secretary to Government,
Personnel and Administrative Reforms Department,
Government of Tamil Nadu,
Secretariat, Chennai – 600 009.
3. The Joint Secretary to Government,
Public (Ex-Servicemen) Department and
Ex-Officio Director, Government of Tamil Nadu,
Secretariat, Chennai – 600 009.
4. The Secretary,
Tamil Nadu Public Service Commission,
Greens Road, Chennai – 600 006. ... Respondent(s)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, (i) calling for the entire records pertaining to the impugned and amended G.O (Ms) No.7, made on 03.01.2013 by the first respondent and quash the same and consequently (ii) direct the first respondent to follow the ratio 1:2 between direct recruits (i.e) by Ex-Servicemen of Defense Service and promotes from the post of Superintendent for appointment to the post of Assistant Director in the Director/ Department of Ex-Servicemen's Welfare based on the common and general order made on 17.02.1977 vide P&AR Department G.O (Ms) No.200 by the second respondent and in pursuant of Article 14 as well on par with the incumbents recruited and appointed to other departments and other welfare departments such as Social Welfare Department, Adi-Dravidar



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welfare department, backwards class, most backward class and minority welfare departments under Ministerial Service by the fourth respondent TNPSC or modify or issue amendment to the special rules made in the impugned G.O by the first respondent on the above lines.

For Petitioner(s) : No appearance
For R1 to R3 : Mr.K.H.Ravikumar,
Government Advocate
For R4 : Mr.R.Bharanidaran

COMMON ORDER

These matters came up for consideration before this court on 13.08.2025. As there was no representation for the petitioner, the same were directed to be listed under the caption “For Dismissal”.

2. Today, inspite of the matter being listed under the caption “For Dismissal”, there is no representation for the petitioners either in the pre-lunch or post-lunch session. In view of the same, this court is left with no other option except to dismiss the writ petitions for non-prosecution.

3. Be that as it may, Mr.K.H.Ravikumar, learned Government Advocate appearing for the respondents 1 to 3, submitted that the relief sought as such in the



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present writ petitions were already granted in favour of the petitioners, as stated in

Paragraph No.4 of the counter-affidavit, which reads as under:-

“4. It is submitted that in G.O (Ms) No. 200, Personnel and Administrative Reforms (AR) Department, dated 17.02.1977 and Government Letter No.66117/84-1, Personnel and Administrative Reforms Department, dated 13.08.1984, general instructions were issued by the second respondent for fixing of ratio among the direct recruits and promotees, based on the recommendations of the Administrative Reforms Committee. It is submitted that where there is no specific mention in their respective special rules relating to fixing of ratio, the above instructions shall be followed by the respective departments. If the special / adhoc rules have specific mention about fixing of ratio between direct recruits and promotees, the provisions in the special rules shall prevail over the general instructions as per the section 68 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 as enumerated below:-

"If any provision of this Act is inconsistent with any provision of the special rules applicable to any particular service, the special rules shall, in respect of that service, prevail over the provisions of this Act." "

4. In the light of the above, nothing survives in the present writ petitions and accordingly, these writ petitions are dismissed as infructuous as well as on the ground of non-prosecution. No costs. Connected miscellaneous petitions, if any, shall stand closed.

14.08.2025



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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Secretary to Government, Public (Ex-Servicemen) Department,
Government of Tamil Nadu, Secretariat, Chennai – 600 009.

2. The Secretary to Government,
Personnel and Administrative Reforms Department,
Government of Tamil Nadu, Secretariat, Chennai – 600 009.

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skr

3. The Joint Secretary to Government,
Public (Ex-Servicemen) Department and
Ex-Officio Director, Government of Tamil Nadu,
Secretariat, Chennai – 600 009.

4. The Secretary/ Director,
Rajya Sainik Board/ Department of Sainik Welfare,
Government of India, Ministry of Defence,
Kendriya Sainik Board, West Block-4, Wing-5,
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5. The Secretary, Tamil Nadu Public Service Commission,
Greaves Road, Chennai – 600 006.

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