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W.P. No.3247 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.3247 of 2024

K.Logambigai

Petitioner

Vs

1. The Commissioner of Rural Development
and Panchayat Raj,
Chennai 600 015.

2.The District Collector
Development Wing,
Krishnagiri District,
Krishnagiri.

3.The Block Development Officer (VP)
Uthangarai Panchayat Union, Krishnagiri
District

4.The Secretary
Tamil Nadu Public Service Commission,
Chennai 03

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2nd respondent in his Pro. Na.Ka.No. K2/ 6021/ 2021 dated 28.04.2022 and the order passed by the 1st respondent in his Na.Ka.No. 24696/ 2022/ C1 dated 12.10.2022 as confirmed by 2nd respondent in his Pro. Na.Ka.No. K2/ 6021/ 2021 dated 30.12.2022 as
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communicated by the 3rd respondent in his letter in his Me. E.Na.Ka. No. 726/2023/ A1 dated 15.02.2023, quash the same and consequentially direct the 1st and 2nd respondents herein to assign proper seniority by placing her at the bottom of seniority list of Approved probationers in Krishnagiri district Unit instead of placing her at the bottom of the list of Assistants in Krishnagiri District in the light of TNPSC guidelines and departmental guidelines (amended upto 2014) and the order in W.P. (MD) No. 2657/ 2013 dated 22.11.2018 of Madurai Bench of this Court.

For petitioner : Mr.R. Thamaraiselvan
For respondents : Mr.T.M. Rajangam,
Govt. Advocate for R1 & R2
Mr.C. Selvaraj for R3
Mr.B. Vijay for R4

ORDER

This writ petition has been filed to quash the proceedings of the 2nd respondent dated 28.04.2022, ii) proceedings of the 1st respondent dated 12.10.2022 and iii) the consequential order dated 30.12.2022 issued by the 2nd respondent as well as for issuance of consequential directions to the respondents 1st and 2nd to assign proper seniority by placing her at the bottom of seniority list of Approved probationers in Krishnagiri district Unit instead of placing her at the bottom of the list of Assistants in Krishnagiri District in the light of TNPSC guidelines and departmental guidelines (amended upto 2014) and the order in W.P. (MD) No. 2657/ 2013 dated 22.11.2018 of Madurai Bench of this Court.



2. It is stated that the petitioner was directly recruited as Assistant through TNPSC and appointed in the Rural Development and Panchayat Raj Department, Tiruvannamalai District in December 2012. She joined duty on 21.12.2012 and her services were regularised from the same date. The petitioner completed her probation satisfactorily on 20.12.2014 (A.N.), though the formal declaration was issued later on 26.10.2016.

3. When that being so, based on the petitioner's own request, owing to family circumstances, she was granted one-way district transfer from Tiruvannamalai to Krishnagiri District by order dated 17.12.2015, with a condition that her seniority would be placed at the bottom in the transferee district / new district viz., Krishnagiri District. She joined duty in Krishnagiri on 31.12.2015.

4. It is the grievance of the petitioner that while preparing the seniority list of Assistants in Krishnagiri District, the respondents placed the petitioner at the bottom of the combined seniority list of Assistants, instead of placing her at the bottom of the list of approved probationers, though her probation had already been completed as on 20.12.2014. Thereafter, ventilating all her grievances, she preferred an appeal before the 1st respondent stating that her grievances to be considered in the light of TNPSC guidelines and the Departmental Manual and seeking assignment of proper seniority. But the said



appeal was not considered and therefore, she filed a writ petition viz., W.P. No.2725 of 2022. Consequent to passing of orders in the aforesaid writ petition on 16.02.2022, the 2nd respondent issued the provisional seniority list of Assistant, vide proceedings dated 28.04.2022. Further, she submitted a representation by way of appeal on 18.05.2022 and thereafter the 1st respondent issued the order dated 12.10.2022, rejecting her claim and it is her grievance that the said appeal has not been considered in a proper perspective. Consequent to which, the 2nd respondent issued the order dated 30.12.2022 confirming the seniority of the petitioner.

5. Learned counsel for the petitioner submitted that the petitioner had completed probation prior to her transfer, and hence she could not be treated as a probationer in the transferee district. He further submitted that even as per the transfer condition, the petitioner could only be placed at the bottom of the approved probationers' seniority list, and not at the bottom of the entire Assistant cadre. He vehemently argued that the fixation of seniority is contrary to TNPSC guidelines, the Departmental Manual, and Section 40(3) of the TNPSC Act, which contemplate district-wise seniority among approved probationers.

6. Learned counsel further submitted that the issue is no longer res integra, as this Court, in W.P.(MD) No.2657 of 2013, has granted identical relief



to similarly placed persons. Therefore, he contended that the impugned orders dated 28.04.2022, 12.10.2022 and 30.12.2022 issued by the 1st and 2nd respondents suffer from non-application of mind and are legally unsustainable. On the aforesaid score, he prayed for allowing of this writ petition by setting aside the impugned orders, as mentioned supra.

7. Learned Government Advocate appearing for the respondents 1 and 2 reiterated the averments made in the counter affidavit and contended that the petitioner was a probationer at the time of joining in Krishnagiri District and had voluntarily accepted the condition of being placed last in seniority. He further submitted that the seniority of the petitioner was fixed strictly in accordance with the transfer order dated 17.12.2015 and existing service rules. He also submitted that the petitioner had already approached this Court earlier and her appeal was duly considered and rejected by the respondents 1 and 2. In view of the above, he vehemently opposes for setting aside the orders of the respondents 1 and 2 as they are legally valid and prayed for dismissal of this writ petition.

8. Heard the submissions made by learned counsel on either side and perused the entire records.

9. Admittedly, the petitioner was directly recruited as Assistant through TNPSC and appointed in the Rural Development and Panchayat Raj



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Department, Tiruvannamalai District in December 2012. It is very well clear from the counter averments made by the 2nd respondent that the petitioner completed her probation satisfactorily on 20.12.2014 (A.N.), vide proceedings of the 2nd respondent dated 26.10.2016.

10. It is not in disputed that on her own request, the petitioner was granted one-way transfer to Krishnagiri District, vide order dated 17.12.2015 and joined duty on 31.12.2015. It is the argument of the respondents that the order of transfer was accepted by the petitioner based on the condition that her seniority would be placed last in the transferee district.

11. While fixing the seniority of Assistants in Krishnagiri District, the respondents placed the petitioner at the bottom of the combined Assistant seniority list, instead of placing her at the bottom of the approved probationers' list, though her probation had already been completed prior to transfer. The petitioner's appeals and representations were rejected by the respondents, vide impugned orders 28.04.2022, 12.10.2022 and 30.12.2022.

12. On perusal of records, it is evident that the condition imposed in the transfer order can only mean placement at the bottom of the approved probationers' list, and not relegation to the bottom of the entire Assistant cadre, which would be arbitrary and disproportionate. Further, it is noted that



merely because the formal order declaring probation was issued later, the petitioner's substantive right cannot be taken away.

13. This Court has already taken a consistent view in W.P.(MD) No.2657 of 2013 wherein similarly placed Assistants were directed to be placed at the bottom of the approved probationers' seniority list in the transferee district. Thus, this Court is of the view that the fixation of seniority is illegal and arbitrary, contrary to TNPSC guidelines, Section 40(3) of the TNPSC Act, departmental instructions, and the law laid down by this Hon'ble Court in W.P. (MD) No.2657 of 2013 in respect of similarly placed persons. Forgoing seniority in the parent District pursuant to a voluntary transfer cannot be equated with loss of approved probationer status. The undertaking given / condition accepted by the petitioner while transfer only relates to relinquishment of inter-se seniority, and not to a reversion of her status as an approved probationer. Thus, the impugned orders, dated 28.04.2022, 12.10.2022 and 30.12.2022 issued by the respondents 1 and 2, are in clear violation of settled principles and cannot be sustained.

14. Therefore, the impugned orders dated 24.08.2022, 12.10.2022 and 30.12.2022 issued by the 1st and 2nd respondents respectively as the one order is consequent to other, are hereby quashed to the limited extent as indicated above.



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15. The respondents are directed to refix the seniority of the petitioner by placing her at the bottom of the seniority list of approved probationers in the Assistant Cadre for Krishnagiri District, instead of, at the bottom of the combined seniority list, within a period of eight weeks from the date of receipt of a copy of this order.

16. With the above observations and directions, this writ petition stands allowed. No costs.

10.12.2025

Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To
1. The Commissioner of Rural Development
and Panchayat Raj,
Chennai 600 015.

2.The District Collector
Development Wing,
Krishnagiri District,
Krishnagiri.

3.The Block Development Officer (VP)
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4.The Secretary
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M. DHANDAPANI, J.

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