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WP No. 9321 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**WP No. 9321 of 2024
and
WMP.No.10342 of 2024**

1. M.Kannan
- 2.P.Devasundar
- 3.R.Vinoth
- 4.G.Doss Prakash
- 5.C.Stalin
- 6.J.Augusta Gnanaselvam
- 7.T.Natarajan
- 8.Sherin Febritia S
- 9.R.Ahila
- 10.L.Girija



11.P.Krishnaveni

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12.A.R.Kavi Shankary

13.S.Kalaimathi

14.K.Mythili

15.S.Nashima Begum

16.P.Sri Rathna

17.M.Thiruneraiselvi

18.J.Divyabharrati

19.D.Geetha

Petitioner(s)

Vs

1. Government of Tamilnadu
Rep. By Its Secretary, Human
Resources Management Department,
Fort St. George, Chennai-600 009.

2.Tamil Nadu Public Service
Commission,
Rep. by its Secretary, Tamil Nadu
Public Service Commission Road, Voc
Nagar, Chennai-600 003.



3.Vasikaran Visuwanatha Velraju

4.M.Sendhur

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5.M.Palraj

6.P.Shankar Anand

7.R.Prabhu

8.M.Aiswarya

9.V.Siva

10.R.Balathandayutham

11.B.Pavithra

12.S.Dhanalakshmi

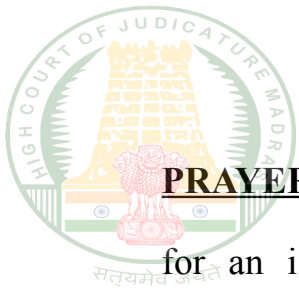
13.R.Rajkumar

14. A.Murugan

15. M.Jaidurgadevi

(R14 & R15 impleaded *vide* court order dated 12.03.2025 passed in W.M.P.Nos. 34281 & 34282 of 2024 in W.P.No. 9321 of 2024 by SMSJ & KRSJ)

Respondent(s)



PRAYER Writ petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of declaration, declaring that the amendment to Annexure-V of the Tamil Nadu Public Service Commission Regulations, 1954 as notified vide Government order bearing G.O.Ms.No.124 dt. 13.11.2020 issued by the 1st respondent and the consequential proceedings bearing No. 1513/PD-B/2021 dt. 30.01.2024 read with Proceedings No. 1513/PD-B1/2021 dt. 08.03.2024 read with Proceedings No. 513/PD-B1/2024 dt. 22.03.2024 issued by the 2nd respondent, by which the respondent Nos. 3 to 13 were promoted to the post of Section Officer, as illegal and consequently direct the respondents to follow a combined seniority of Assistant Section Officers and Assistant Section Officers Cum Programmers based on their dates of appointment as such for promotion to the post of Section Officer that fell vacant from 2019 and promote the petitioners as such with retrospective effect and all other consequential benefits including arrears of salary, increments, further promotions etc.,

For Petitioner(s): Ms.R.Vaigai
Senior Counsel
for Ms.Anna Mathew

For Respondent(s): Mr.E.Veda Bagat Singh
Special Government Pleader for R1
2.Mr.P.S.Raman
Advocate General
assisted by



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Mr.R.Bharanidharan
Standing Counsel for R2
3.Mr.K.Venkat Ramani
Senior Counsel for
M/s.M.Muthappan for R3 to R15

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

Mr.P.S.Raman, the learned Advocate General appearing on behalf of the second respondent would submit that the Government has taken a decision to withdraw the ratio as 8:1 fixed among the holders of the post of Assistant Section Officer and Assistant Section Officer-cum-Programmer for appointment by recruitment by transfer to the post of Section Officer.

2. The administrative decision taken by the Government has been communicated to the Tamil Nadu Public Service Commission *vide* Letter No.3876/M1/2024-1, dated 27.08.2024. Paragraph No.3 and 4 of the letter reads as under:

"3. *In a similarly placed issued viz., Junior Assistant and Typist who have come through the same exam and joined in the service on the same day, the Government is contemplating a policy decision to decide the inter-se seniority.*



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4. *In view of the above, I am directed to state that it has been decided to withdraw the letter second cited wherein ratio fixed as 8:1 among the holders of the post of Assistant Section Officer and Assistant Section Officer-cum-Programmer for appointment by recruitment by transfer to the post of Section Officer in the Tamil Nadu Public Service Commission. Further, I am also directed to request that proposal may be sent to amend the Tamil Nadu Public Service Commission Regulations, 1954."*

3. In pursuance to the decision communicated to the Tamil Nadu Public Service Commission by the Government, the Tamil Nadu Public Service Commission addressed a letter to the Additional Secretary to Government, Human Resources and Management Department stating that the writ petition is pending and on its disposal, the decision of the Government will be implemented.

4. In the opinion of this Court, in the absence of an interim order, the Tamil Nadu Public Service Commission ought to have implemented the Government decision. However, now the relief sought for by the petitioners in



the writ petition is redressed and thus, no further adjudication on merits needs to be undertaken.

5. As far as the Government decision communicated to the Tamil Nadu Public Service Commission vide letter dated 27.08.2024 is concerned, the respondents 1 and 2 are directed to implement the Government's decision and pass appropriate orders within a period of six (6) weeks from the date of receipt of a copy of this order.

6. The learned Senior Counsel appearing on behalf of the petitioners would raise an apprehension that in respect of employees who have been temporarily promoted, actions are to be taken.

7. This Court is of the considered opinion that the temporary promotions are to be dealt with under the relevant Service Rules applicable to the posts / cadre.



Accordingly, the Writ petition stands **disposed of**. No costs.

Consequently, connected miscellaneous petition is closed.

(S.M.SUBRAMANIAM J.) (K.RAJASEKAR J.)

12-03-2025

veda

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. Government Of Tamilnadu

Rep. By Its Secretary, Human

Resources Management Department,

Fort St. George, Chennai-600 009.

2. Tamil Nadu Public Service

Commission,

Rep. by its Secretary, Tamil Nadu

Public Service Commission Road, Voc

Nagar, Chennai-600 003.

3. Vasikaran Visuwanatha Velraju

Working As Section Officers Served

Thro The 2nd Respondent Tamil Nadu

Public Service Commission, Rep. By

Its Secretary, TnpSC Road, V.O.C.

Nagar Chennai-600 003

4. M. Sendhur

Working As Section Officers Served

Thro The 2nd Respondent Tamil Nadu

Public Service Commission, Rep. By



Its Secretary, TnpSC Road, V.O.C.
Nagar Chennai-600 003

WEB 5.M.Palraj

Working As Section Officers Served
Thro The 2nd Respondent Tamil Nadu
Public Service Commission, Rep. By
Its Secretary, TnpSC Road, V.O.C.
Nagar Chennai-600 003

6.P.Shankar Anand

Working As Section Officers Served
Thro The 2nd Respondent Tamil Nadu
Public Service Commission, Rep. By
Its Secretary, TnpSC Road, V.O.C.
Nagar Chennai-600 003

7.R.Prabhu

Working As Section Officers Served
Thro The 2nd Respondent Tamil Nadu
Public Service Commission, Rep. By
Its Secretary, TnpSC Road, V.O.C.
Nagar Chennai-600 003

8.M.Aiswarya

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Thro The 2nd Respondent Tamil Nadu
Public Service Commission, Rep. By
Its Secretary, TnpSC Road, V.O.C.
Nagar Chennai-600 003

9.V.Siva

Working As Section Officers Served
Thro The 2nd Respondent Tamil Nadu



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10.R.Balathandayutham
Working As Section Officers Served
Thro The 2nd Respondent Tamil Nadu
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11.B.Pavithra
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13.R.Rajkumar
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