



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2025

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THE HONOURABLE MR JUSTICE RMT. TEEKAA RAMAN

WP No. 5384 of 2016 and

WMP No.247 of 2017, WMP No. 4695 of 2016

P.S.Umapathy
Assistant Section Officer,
Industries Department,
Chennai-600 009

Petitioner(s)

Vs

1.The Principal Secretary to Government,
Personnel and Administrative Reforms Department,
Secretariat, Fort St.George,
Chennai-600 009

2.The Principal Secretary to Government
Industries Department,
Secretariat, Fort St. George,
Chennai-600 009

Respondent(s)

PRAYER Writ Petition filed under Article 226 of Constitution of India to call for records relating to the first respondent's office proceeding No.332 dated 18.12.2015, to quash the same and consequently direct the respondents to forthwith restore pay fixation already made and done with effect from 3.2.2010 and to extend the same with other benefits accrued thereto.



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For Petitioner(s): Mr.S.Sundaresan.

For Respondent(s): Mr.G.Ameedius
Government Advocate

ORDER

This Writ Petition has been filed to call for records relating to the first respondent's office proceeding No.332 dated 18.12.2015, and to quash the same and consequently direct the respondents to forthwith restore pay fixation already made and done with effect from 3.2.2010 and to extend the same with other benefits accrued thereto.

2.The Petitioner was initially appointed as Assistant and subsequently, promoted as Assistant Section Officer as per Rule 39(a)(i) of the General Rules for the Tamil Nadu State and Subordinate Service Rules that was in force at the relevant point of time and subsequently, he was included in the regular panel for the position of Assistant Section Officer in the year 2014-15 and was promoted with effect from 03.02.2010 F.N, accordingly, his pay was re-fixed.

3.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

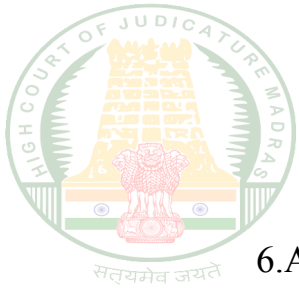
4.The impugned order was passed on the ground that the petitioner has



not completed probation within a stipulated time and the petitioner has completed his probation in the post of Assistant only on 26.10.2009. As per Rule 36(a) of the General Rules for the Tamil Nadu State and Subordinate Services, approved probationers only can be considered for promotion to the higher post. Since, the petitioner has not completed probation in the post of Assistant Section Officer on the crucial date viz., 01.08.2009 for the panel year 2009-2010, the action of the department, not including his name in the regular panel for the year 2009-2010 as published on 19.05.2014 is correct.

5.The date of completion of the probation is not in dispute. Further on the crucial date, he has not completed probation is also not in dispute as seen from the counter affidavit. Thus, the name of the petitioner was considered for inclusion in the regular panel of Assistant Section Officer for the year 2009-2010 with crucial date 01.08.2009 and found that P.S.Umapathy had completed his probation in the post of Assistant after the crucial dated ie., on 26.10.2009 and not acquired the requisite education qualification of U.G.degree in the pattern of 10+2+3. As per Rule 36(a) of the general rules for the Tamil Nadu State and Subordinate Services, a person who has completed the probation on the crucial date ie., 01.08.2009 alone be eligible for promotion, whereas the petitioner has not completed his probation in the feeder category post of Assistant on the crucial date and he has also not possess requisite educational qualification and therefore, the impugned order passed by the respondent cannot

be found fault with.



6. Accordingly, this Petition is dismissed as devoid of merits. No costs.

Consequently, connected Miscellaneous Petitions are closed.

25-02-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
1. The Principal Secretary to
Government, Personnel and
Administrative Reforms Department,
Secretariat, Fort St. George
Chennai-600 009

2. The Principal Secretary to
Government, Industries Department,
Secretariat, Fort St. George,
Chennai-600 009



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RMT.TEEKAA RAMAN J.

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