



WEB COPY

WP No. 19200 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

WP No. 19200 of 2019

1. T.Suyambulingom
S/O. K.Thiyagarajan Supervisor
(Assistant Works Manager in Charge)
(FAC) Tamilarasu Press, No 5, Rajiv
Gandhi Salai Taramani chennai-113.

Petitioner(s)

Vs

1. The Secretary
Govt of TamilNadu, Tamil
Development and Information
Department, Fort.St.George chennai-9

2.The Director Govt of Tamil Nadu
Information and Public Relation
Department, Fort.St.George, chennai-9

3.The Deputy Director (publication)
Tamilarasu Press, No 5, Rajiv Gandhi
Salai, Tharamani chennai-113

Respondent(s)



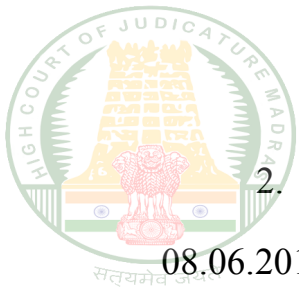
PRAYER: Writ petition is filed under Section 226 of the Constitution of India for issuance of a Writ of Certiorarified mandamus calling for the records on the file of the 2nd Respondent in Connection with Government Letter No 11910/NI-V/1/2014 dated 30.12.2015 and quash the same and consequently direct the Respondents 1 to 3 Promote the Petitioner as “Assistant Works Manager” on Transfer of Post with effect on 9.6.2016 from when the Petitioner completed 5 years of experience, as per the Provisions of Tamil Nadu Special Rules for Stationery and Printing service with all consequential monetary benefits with arrears after adjusting the special allowance from 9.6.16 to 31.7.2017.

For Petitioner(s): M/s.T.Aananthi

For Respondent(s): Mr.T.Chezhiyan
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the order of the 2nd Respondent in Government Letter No 11910/NI-V/1/2014 dated 30.12.2015 and consequently direct the Respondents 1 to 3 to promote the Petitioner as “Assistant Works Manager” on Transfer of Post with effect on 9.6.2016 with all consequential monetary benefits along with arrears after adjusting the special allowance from 9.6.16 to 31.7.2017.



2. The petitioner has been appointed to the post of Supervisor on 08.06.2011 and he got regularized on 03.07.2012. The petitioner gave a representation in the year 2013 to consider him to promote to the post of Assistant Works Manager. In the meanwhile a notification has been issued by the Tamil Nadu Public Service Commission (TNPSC) for direct recruitment to the post of Assistant Works Manager. The petitioner had challenged the said notification by way of filing a writ petition in W.P.No.30712/2014 by claiming that the post can be filled up by 'Transfer of Service'. However, the writ petition came to be disposed, since the said notification was withdrawn subsequently. As the petitioner's request for considering him to the post of Assistant Works Manager has not been considered, he has filed another writ in W.P.No.34857/2015 for seeking a writ of mandamus. In the said writ petition a direction has been given to the respondents to consider the representation of the petitioner on merits and in accordance with law. After having considered the representation of the petitioner, the impugned order came to be passed on 30.12.2015.

3. Ms.T.Aananthi, the learned counsel for the petitioner, submitted that the qualification criteria for the post of Assistant Works Manager has been acquired by the petitioner as early as on in the year 2013 but in the impugned order the above fact was not considered. It is the submission of the learned counsel for the petitioner that at the time when the petitioner was appointed as Supervisor, he had given the experience certificate showing that he has three



years experience in Production, Planning and Printing in offset press and that ought to have been considered for counting five years experience for the post of Assistant Works Manager.

4. Mr.T.Chezhiyan, the learned Additional Government Pleader for the respondents, submitted that five years experience as prescribed in the Rules would only refer the in-department experience and not any other experience.

5. However, the learned counsel for petitioner submitted that the Rules does not make any explicit reference about having five years experience in the department.

6. No doubt the recruitment to the post of Assistant Works Manager can be made by transfer from the post of Overseer as per G.O.Ms.No.84, Information and Tourism Department dated 15.03.1981. While prescribing the qualification in the Rules, it has been stated that the candidate ought to have passed the departmental test for 'Government Press Officers' and Account test for 'Executive Officers' along with practical experience for not less than five years in different branches of printing. When the Government Rules prescribe certain qualification for the in-service candidates to be considered for appointment on transfer to some other post, it implies only the experience they gain during their service in the department. The Rules clearly state that five years experience is required in different branches of printing. The petitioner



cannot claim that whatever experience he gained outside should be equivalent to the experience in different branches of printing as carried out in Government press.

7. Had the recruitment was through direct recruitment, it is possible for the candidates to presume that the experience contemplated under the qualification criteria would refer to experience gained outside the department. When the recruitment is being done by transfer then necessarily the person who aspires to the post of Assistant Works Manager ought to have possessed the practical experience in the department by fulfilling other qualifications like a pass in the Account Test or pass in Departmental Test for Government press Officers.

8. The petitioner had given his representation in the year 2013 in a prematured manner even before he had acquired the necessary qualification. Even in the year 2015 when the impugned order was passed, the petitioner did not have the five years experience because his appointment itself was made only in the year 2011. At the best, the petitioner could have acquired five years experience only in the year 2016.

9. The petitioner's representation cannot be considered unless there is vacancy and the petitioner is found to be both eligible and suitable through the selection process for the appointment. Since the impugned order has been



passed on the observation that the petitioner did not have the basic qualification of five years of experience in order to become eligible to be considered for the post of Assistant Works Manager, I do not find any irregularity or illegality in the impugned order. However it is up to the respondents to consider the petitioner's case for any vacancy that could have arisen after the petitioner acquires the five years experience in the year 2016.

10. In view of the above observations, this writ petition is disposed. No costs.

04-03-2025

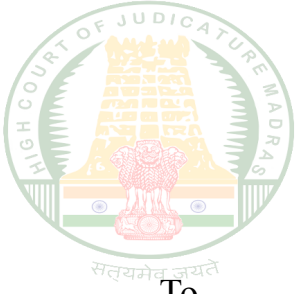
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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Govt of TamilNadu, Tamil
Development and Information
Department, Fort.St.George chennai-9
- 2.The Director Govt of Tamil Nadu
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R.N.MANJULA J.

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