



WEB COPY



W.P.Nos.24968, 34004 & 44480 of 2025 etc

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 24.11.2025

PRONOUNCED ON : 27.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.24968, 34004 & 44480 of 2025

and

W.M.P.Nos.28128, 28129, 28130, 31881, 38166, 38168, 38170,
39442, 48943, 49618, 49622 & 49623 of 2025

W.P.No.24968 of 2025 :-

1. Yuvaraj
2. Tamilselvan
3. Ilayaraja
4. Sakthivel
5. Chelladurai
6. S.Balaji
7. Parthasarathy
8. Seiyadh Udhuman

... Petitioners

Vs.

1. The Secretary,
Labour Welfare and Skill Development Department,
Secretariat, Fort St. George,
Chennai - 600006.

2. The Commissioner of Labour
O/o. The commissioner of Labour,
DMS Compound,
Chennai 600 006

3. B.Nagendran, Upgraded Superintendent
O/o. The Assistant Commissioner Of Labour,
Enforcement, Theni.



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4. J.Thamaraiselvan, Upgraded Superintendent
O/o. The Assistant Commissioner Of Labour,
Conciliation - 1, Vellore.

5. P.Ramakrishnan, Upgraded Superintendent
O/o. The Deputy Commissioner Of Labour,
Gratuity, Erode.

6. S.Albert Wilson, Upgraded Superintendent,
O/o. The Commissioner Of Labour,
Chennai

7. R.Sudhakar, Upgraded Superintendent
O/o. The Assistant Commissioner Of Labour,
Enforcement, Karur.

8. J.Yovan, Upgraded Superintendent
O/o. The Commissioner Of Labour,
Chennai

9. K.Sathiyapriya, Upgraded Superintendent,
O/o. The Assistant Commissioner Of Labour,
Enforcement, Tiruppur.

10. T.Muthaiyan, Upgraded Superintendent
O/o. The Assistant Commissioner Of Labour,
Enforcement, Kancheepuram

11. S.V. Radhakrishnan, Upgraded Superintendent
O/o. The Commissioner Of Labour,
Chennai

12. B.Ramakrishnan, Upgraded Superintendent
O/O. The Deputy Director Of Industrial Safety
And Health-V, Sidco Industrial Estate,
Guindy, Chennai.



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13. K.Saravanan,Upgraded Superintendent
O/o. The Assistant Commissioner Of Labour,
Enforcement, Madurai.

14. S.Govindarajan,Upgraded Superintendent,
O/o. The Assistant Commissioner Of Labour,
Enforcement, Trichy

15. K.Baskaran,Upgraded Superintendent
O/o. The Commissioner Of Labour,
Chennai.

16. R.Yogesh Kumar,Upgraded Superintendent
O/o. The Assistant Commissioner Of Labour,
Conciliation, Thanjavur

17. M.Selvaraj,Upgraded Superintendent
O/o. Joint Director Of Industrial Safety And Health,
Thanjavur.

18. V.G.Selvakumar,Upgraded Superintendent
O/o. Director Of Industrial Safety And Health,
Sidco Industrial Estate,
Guindy, Chennai.

19. P.Rajasekharan,Upgraded Superintendent
O/o. The Assistant Commissioner Of Labour,
Enforcement, Perambalur.

20.P.Nagarajan,Upgraded Superintendent
O/o. The Commissioner Of Labour,
Chennai.

21. G.Raghu,Upgraded Superintendent
O/o. The Assistant Commissioner Of Labour,
Plantataion, Yercaud.



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22. A.V.S.Saravana Kumar,Upgraded Superintendent
O/o. The Assistant Commissioner Of Labour,
Enforcement - 2, Chennai.

23. P.Karthik,Upgraded Superintendent,
O/o. Additional Director Of Industrial Safety
And Health, Sidco Industrial Estate,
Guindy,Chennai.

24. V.Selvakumar,Upgraded Superintendent
O/o. The Assistant Commissioner Of Labour,
Plantation, Bathlagundu

25. R.Ramamurthy,Upgraded Superintendent
O/o. The Commissioner Of Labour,
Chennai.

26. S.Senthil,Upgraded Superintendent
O/o. The Assistant Commissioner Of Labour,
Enforcement, Tiruvarur.

27. D.Murugadoss,Upgraded Superintendent,
O/o. The Tamilnadu Academy Of Construction,
Chennai

28. R.J.Jonrathinaraj, Assistant,
O/O.Deputy Director Of Industrial Safety
And Health-II, District Collectorate Complex 1stfloor,
Virudhunagar.

29. N.Muraleeswaran,Upgraded Superintendent
O/o. The Assistant Commissioner Of Labour,
Enforcement, Dindigul.

30. K.Suryakumar,Upgraded Superintendent
O/o. The Assistant Commissioner Of Labour,
Conciliation, Madurai.1



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31. T.Sakthivel, Upgraded Superintendent
O/O. Joint Director Of Industrial Safety
And Health -II, Coimbatore.

32. S.Sundaramurthy, Upgraded Superintendent
O/o. The Joint Commissioner Of Labour,
Vellore.

33. S.Prakasavel, Upgraded Superintendent
O/o. The Joint Commissioner Of Labour,
Trichy

34. K.Appasamy, Upgraded Superintendent
O/o. The Assistant Commissioner Of Labour,
Conciliation II, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records culminating in the impugned order dated 21.05.2025 made in letter E4/16662/2024 of the second respondent and quash the same and consequently to direct the second respondent to promote the petitioners as per merit cum seniority list drawn under Section 41(2) of the Tamil Nadu Government servants (Condition of Service) Act, 2016 to the proposed post of Assistant Inspectors of Labour, Statistical Inspectors, Stamping Inspector as per rule 5(3) of the Special rules for the Tamil Nadu Labour Subordinate services, for the year 2024-2025 in terms of the letter No.9788/E2/2022-3 dated 07.10.2022 of the first respondent.



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For Petitioners : Mrs.G.Thilagavathi, Senior Counsel
For Mr.K.Kharikharadas

For Respondents
For R1 & R2 : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.R.G.Dinesh Rajkumar
Additional Government Pleader

For R3, 5 to 11
13 to 15, 17 to 27
& 31 to 34 : Mr.G.Sankaran, Senior Counsel
For Mr.S.Gopinathan

W.P.Nos.34004 & 44480 of 2025 :-

1. V.K.Kalaivanan Chezhiyan
2. A. Suresh Kumar
3. S. Umamaheswari
4. M. Prema
5. K. Rajeswari
6. A. Abdulkaleel
7. P. Julie
8. A. Ramesh
9. C. Kavitha

... Petitioners in W.P.
No.34004 of 2025

1. V. Mookkammal
2. S. Arun Kumar
3. R.Sakthikumar

... Petitioners in W.P.
No.44480 of 2025

Vs.

1. The Secretary,
Labour Welfare and Skill Development Department,
Secretariat, Fort St. George,
Chennai - 600006.

2. The Commissioner of Labour
O/o. The commissioner of Labour,
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Gratuity, Erode.
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O/o. The Commissioner Of Labour,
Chennai
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O/o. The Assistant Commissioner Of Labour,
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8. J.Yovan, Upgraded Superintendent
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Chennai
9. K.Sathiyapriya, Upgraded Superintendent,
O/o. The Assistant Commissioner Of Labour,
Enforcement, Tiruppur.
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Enforcement, Kancheepuram
11. S.V. Radhakrishnan, Upgraded Superintendent
O/o. The Commissioner Of Labour,
Chennai.



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O/o. Director Of Industrial Safety And Health,
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O/o. The Tamilnadu Academy Of Construction,
Chennai

28. N.Muraleeswaran, Upgraded Superintendent
O/o. The Assistant Commissioner Of Labour,
Enforcement, Dindigul.

... Respondents in
both W.Ps.

Prayer in W.P.Nos.34004 & 44480 of 2025: Writ Petitions filed under
Article 226 of the Constitution of India for issuance of a Writ of
Certiorarified Mandamus, calling for records culminating in the



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impugned selection list of the second respondent made in Na.Ka.No.E4/16662/2024 dated 21.05.2025 and the promotion proceedings of the second respondent made in E4/16662/2024-2 dated 14.07.2025 and quash the same and consequently to direct the 2nd respondents to fix a ratio amongst superintendents who have served for not less than one year vis-a-vis cadre of Assistants who have served for not less than eight years as Junior Assistant and/or as Assistants in Labour Department as per rule 5(3) of the Special Rules for the posts in the Tamil Nadu Labour Subordinate Services as per the representation dated 09.06.2025.

In W.P.Nos.34004 & 44480 of 2025

For Petitioners : Mrs.G.Thilagavathi, Senior Counsel
For Mr.K.Kharikharadas

For Respondents
For R1 & R2 : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

For R3, 5 to 11
13 to 15, 17 to 27 : Mr.G.Sankaran, Senior Counsel
For Mr.S.Gopinathan

COMMON ORDER

These Writ Petitions have been filed challenging the seniority list and consequential order of promotion passed by the second respondent in respect of the private respondents.



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2. The petitioners in all the Writ Petitions are direct recruits in group IV examination and they were appointed as Junior Assistants in the year 2013. Thereafter, they were promoted to the post of Assistant under the Tamil Nadu Ministerial Service Rules from the year 2016. The private respondents were directly recruited to the post of Assistant in the year 2014. At the time of recruitment of the petitioners in the year 2013, as Junior Assistants in the Labour and Employment Department, by virtue on their option, they could be considered for promotion in the ministerial service as an ordinary grade superintendent. Thereafter, their service would be designated as selection grade Superintendent or they will be eligible for promotion as Assistant Inspector of Labour/Stamping Inspector/ Statistical Inspector. For these posts, it is sufficient, if a candidate under the Tamil Nadu Ministerial Service had completed eight years of service as Junior Assistant and or as Assistant in the Labour and Factories Department.

3. The petitioners had rendered more than eight years of service and are eligible for promotion as Assistants after passing their department tests. Due to want of vacancies, they were promoted as



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Assistants from the year 2016 to 2018. During the year 2022, the second respondent called for seniority list of the eligible Assistants for the panel year 2022-2023 of the Tamil Nadu Ministerial Services for the post of Upgraded Superintendent. It was challenged before the Madurai Bench of this Court in W.P.(MD).No.22191 to 22197 of 2022 and this Court by an order dated 21.09.2022, ordered that the implementation of the impugned panel will abide by the outcome of the writ petition. Subsequently, it was clarified that the incumbents who had served for not less than eight years as Junior Assistants and/or as Assistants in the Labour Department are eligible to be recruited by transfer to the post of Assistant Inspectors of Labour, Statistical Inspectors and Stamping Inspectors. Now the second respondent by the memorandum dated 21.05.2025 called for a list of Upgraded Superintendents to be recruited by transfer to the post of Assistant Inspectors of Labour, Statistical Inspectors and Stamping Inspectors to be verified from the subordinate office of the second respondent. Accordingly, the private respondents were given benefits of promotion as Upgraded Superintendent. Hence, the petitioners filed the present Writ Petitions with the above prayers.



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4. The learned Senior Counsel appearing for the petitioners submits that the nomenclature of Upgraded Superintendent is a misnomer as the second respondent has wrongly approved the nomenclature of the Upgraded Superintendent, when such a post is not available in the cadre of service of any of the departments functioning under the second respondent to which the recruitees of the Tamil Nadu Ministerial Services are assigned to function. As per the Government Orders, it was decided to upgrade the post of Assistant as Superintendent and the post of Junior Assistant as Assistant, both in the Labour department as well as in the Department of Inspectorate of Factories to facilitate effective administration and also to provide better promotion opportunities. Therefore, the notification issued by the second respondent has completely closed the opportunity of the Ministerial staff for promotion or recruitment by transfer to the post of Assistant Inspector of Labour, Statistical Inspectors and Stamping Inspectors.

4.1. She further submitted that the impugned orders are completely violative of the clarificatory communication dated 07.10.2022 on the file of the first respondent. According to the said



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communication, the promotional posts are purported to be filled up under the Tamil Nadu Labour Subordinate Service. The avenue of promotion for the Assistants who are qualified under Rules 3(a) and 5(3) of the Special Rules for the post of Tamil Nadu Labour Subordinate Service, will be completely sealed if the Upgraded Superintendents are recruited by transfer. Further the petitioners have already rendered service for more than 12 years and the promotion/recruitment by transfer to the Subordinate Service from the Ministerial Service is a chance for their service progression. If the Upgraded Superintendents, who are admitted in the next level posts on par with that of Assistant Inspectors of Labour, Statistical Inspectors and Stamping Inspectors under the Labour and Factories Department, the private respondents are provided an opportunity for further promotion by taking a march over the petitioners.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. On perusal of the counter filed by the second respondent and on the submissions made by the learned Additional Advocate General, it is revealed that the petitioners were appointed to the post of Junior



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Assistant/Typist during the year 2013. Whereas the private respondents were appointed as Assistants by direct recruitment during the year 2014.

After their recruitment, the petitioners were promoted to the post of Assistant during the year 2016-2018. The inter-se seniority in the post of Assistant between the direct recruitees and the promotees is being fixed as per Section 40(2) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. Accordingly, the petitioners' as well as the private respondents' seniority were fixed in which the petitioners are placed below the private respondents as per the seniority list. Further though the petitioners have rendered service for more than 12 years, they have not reached the zone of consideration for further promotion because of their seniority.

7. While being so, the second respondent issued memorandum dated 21.05.2025, thereby requesting to send the particulars of the Upgraded Superintendents in respect of their region, for preparation of panel for promotion to the post of Assistant Inspector of Labour, Statistical Inspector, Stamping Inspector, for the year 2024-2025, as per the Special Rules for the Tamil Nadu Labour Subordinate Service. Accordingly, by the proceedings dated 14.07.2025, a posting order was



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issued to the individuals by promoting them to the post of Assistant Inspector of Labour for the year 2024-2025.

8. Rule 5(3) of the Special Rules for Tamil Nadu Labour Subordinate Service prescribes the qualification for appointment to the post in the cadre of Assistant Inspector of Labour by recruitment and transfer as follows:-

“(3) A candidate if he is to be appointed to any of the posts by recruitment by transfer-

(i) Must have served for not less than one year as Superintendent or Accountant (in the Labour Wing) of Labour Department, or Superintendent in the Factories Wing of Labour Department or for not less than two years as Assistant in the Labour sections of the Labour Department in the Secretariat; or Must have served for not less than eight years as Junior Assistant and/or as Assistant in the Labour Department:

Provided that the Typists including Steno-Typists to become eligible for appointment by transfer to any of the posts must have served for not less than eight years as Typist including Steno-Typist and Assistant, out of which they should have served as Assistant in the Labour Department at-least for four years.

(ii) Must have been included in the list of persons



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approved by the appointing authority as suitable for such transfer as on first July of the year of selection.

(iii) Must have passed the following tests:-

(a) The Account Test for Subordinate Officers, Part I;

(b) The Labour and Factories Departmental Test, Parts A and B; and

(c) The Tamilnadu Government District Office Manual Test.”

Accordingly, the panel particulars were called for by the second respondent.

9. Further it is also relevant to rely upon the proviso to Rule 3(a) of the Special Rules for Tamil Nadu Labour Subordinate Service which prescribes the ratio for appointment to the post of Assistant Inspector of Labour as follows:-

3.Appointment.-(a) Appointment to this service shall be made by direct recruitment or by recruitment by transfer from the category of Assistants in the Tamil Nadu Ministerial Service in the Labour Department, who opt in writing for appointment to the post of Assistant Inspector of Labour and to higher posts in the Tamil Nadu Labour Service and/or by recruitment by



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transfer from the Assistant Section officers in the Secretariat who are approved probationers in that category or any other feeder category and have passed the Account Test for Subordinate Officers Part I and Labour and Factories Departmental Tests, Parts A and B:

Provided that out of every five vacancies, the first vacancy shall be filled or reserved to be filled by direct recruitment and the next four vacancies shall be filled or reserved to be filled by the personnel of the Labour Department, including Assistant Section Officers in the Secretariat in the Government of Tamil Nadu.”

Thus, it provides for apportionment of vacancies between the direct recruitment and recruitment by transfer for appointment to the post of Assistant Inspector of Labour in Tamil Nadu Labour Subordinate Service. Therefore, the contention of the petitioners that the respondents failed to provide a ratio or a quota or the total number of posts which may be held by persons from one of the feeder categories cannot be considered.

10. That apart, by virtue of the government order in G.O.Ms.No.127 Labour Department dated 24.01.1985, a panel for



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promotion to the post of Assistant Inspector of Labour, Statistical Inspector, Stamping Inspector including Superintendent is drawn from among the holders of the post of Assistant by recruitment by transfer as per Rule 5(3) of the Special Rules for Tamil Nadu Labour Subordinate Service. Therefore, there is only one feeder category to fill up those posts and there is no necessity to determine the ratio.

11. Further, in the labour department, the posts of Assistant are filled by promotion from among the holders of the posts of Junior Assistant, Typist and Steno Typist. From the year 2014, the posts of Assistant are also filled up by direct recruitment. The inter-se seniority between the directly recruited Assistants and the promotee Assistants has been fixed as per Section 40(2) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, as prescribed in Rule 9 in Annexure-IX-J of Rule 38(b)(ii) of the Special Rules for the Tamil Nadu Ministerial Service Rules. The Rule 10 of the same Rule prescribes that-consistent with his seniority, a directly recruited Assistant shall be eligible for promotion to any selection category post, provided, he had successfully completed his probation and has also passed the prescribed tests.



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12. The posts of Superintendent, i.e., Assistant upgraded as Superintendent were sanctioned vide Government Orders in G.O.Ms.No.182 Labour and Employment Department dated 27.08.1993 and in G.O.Ms.No.197 Labour and Employment Department dated 23.09.1993, are maintained in Labour Department in the nomenclature of Upgraded Superintendent and a desk officer system is adopted so that the existing work continues to be done without any disruption by Superintendent on upgradation. Accordingly, as per seniority, the directly recruited Assistants in the year 2014 had reached the zone of consideration for promotion during the year 2021. Therefore, the government made a request to relax Rule 5(3) of the Special Rules for Tamil Nadu Labour Subordinate Service to draw the panel for promotion to the post of Upgraded Superintendent for the year 2021-2022. Thereafter, the government by its letter dated 07.10.2022, clarified that panel for the post of Superintendent shall be drawn as per the Tamil Nadu Ministerial Service.

13. Accordingly, panel for the post of Upgraded Superintendent for the year 2022-2023 is drawn among the holders of the post of



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Assistant as per the Rules of Tamil Nadu Ministerial Service.

Subsequently, in order to fill up the post of Assistant Inspector of Labour, Statistical Inspector, Stamping Inspector by recruitment by transfer under the Tamil Nadu Labour Subordinate Service, the second respondent was requested to send the panel particulars of the Upgraded Superintendent by the memorandum dated 21.05.2025. This Court finds no infirmity or illegality in the orders passed by the second respondent and all the Writ Petitions are devoid of merits and are liable to be dismissed.

14. Accordingly, all the Writ Petitions stand dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

27.11.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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To

1. The Secretary,
Labour Welfare and Skill Development Department,
Secretariat, Fort St. George,
Chennai - 600006.

2. The Commissioner of Labour,
O/o. The commissioner of Labour,
DMS Compound,
Chennai 600 006



W.P.Nos.24968, 34004 & 44480 of 2025 etc

G.K.ILANTHIRAIYAN. J.

rts

Common Order in
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27.11.2025