



W.P.No.24833 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2025

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THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.24833 of 2023

Y.Queensa

... Petitioner

vs.

1. The Government of Tamil Nadu,
Rep.by its Secretary,
Human Resources Management Dept.
Secretariat, St.George Fort,
Chennai 600 009.

2. V.Ponnupandi

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 12.10.2015 and include his name in the G.O.(4D)No.26 dated 22.07.2015 for approved regular panel of Assistants, Senior Personal Clerks, Senior Typists and Non Graduate Assistants fit for promotion to the post of Assistant Section Officer for the year 2012-2013 at the place below E.Sangeetha (Sl.No.40) and above the 2nd respondent (Sl.No.41) and award further promotion as Section Officer on par with his junior 2nd respondent and sanction arrears of pay and allowance.



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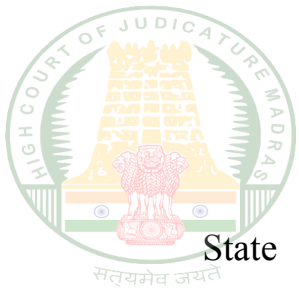
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For Petitioner : Mr.S.Pushpakaran
For Respondents : Mr.M.Rajendiran
Addl.Govt.Pleader

ORDER

The present writ petition has been filed for issuance of a writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 12.10.2015 and include his name in the G.O.(4D)No.26 dated 22.07.2015 for approved regular panel of Assistants, Senior Personal Clerks, Senior Typists and Non Graduate Assistants fit for promotion to the post of Assistant Section Officer for the year 2012-2013 at the place below E.Sangeetha (Sl.No.40) and above the 2nd respondent (Sl.No.41) and award further promotion as Section Officer on par with his junior 2nd respondent and sanction arrears of pay and allowance.

2. The case of the petitioner is that he was appointed as Assistant in the Tamil Nadu Secretariat Service through Tamil Nadu Public Service Commission on 15.07.2010. Initially her appointment was made temporarily under Rue 10(a)(i) of the General Rules for the Tamil Nadu



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State and Subordinate Service. Thereafter, her service has been

regularized from the date of appointment i.e.15.07.2010. As per Rule 15

of the Tamil Nadu Secretariat Service Special Rules, she was placed on

probation for a period of two years on duty with a continuous period of

three years with effect from the date of her appointment. Thereafter, she

has completed the period of probation in the post of Assistant on

01.08.2012 AN. Further, as per G.O.(4D)No.41 dated 02.11.2012, the

petitioner along with 88 persons, in the feeder category posts of Assistants

were temporarily promoted to the post of Assistant Section Officers. The

Government vide G.O.Ms.No.368 dated 18.10.1993 has issued guidelines

in the matter of preparation of panel against the estimate of expected

vacancies arise for the panel year. The preparation of estimate of vacancy

for one year period is reckoned from the next day of crucial date.

3. It is further case of the petitioner that as per G.O.Ms.No.3467

dated 31.10.1975 of the Public (Services) Department, it is sufficient to

consider the claims of all the candidates, senior to the junior most

candidate, proposed for inclusion, in the list. The petitioner has acquired

the prescribed qualification by completing two years probation on 1st of

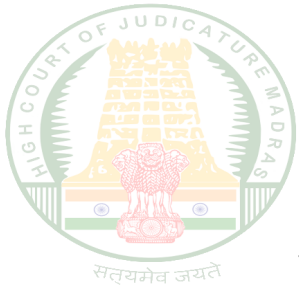


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August AN 2012, and also completed foundational training before the

probation period. Thus, the petitioner is eligible to be considered for promotion to the post of Assistant Section Officer as on 01.08.2012 which is a crucial date for acquiring the prescribed qualification for the panel year 2012-13. However, the Government has issued G.O.(4D)No.26 dated 22.07.2015 thereby approving a list of Assistant Section Officer for the year 2012-13, in which the second respondent's name was found place at Sl.No.41 who is junior than the petitioner, but the petitioner's name is not included in the said panel. Thereafter, the petitioner had made a representation dated 12.10.2015 to the 1st respondent and requested to include her name in the approved list as per G.O.(4D)No.26 dated 22.07.2015 and the same was not considered by the 1st respondent till date. Hence, the petitioner has filed the present writ petition before this Court.

4. The learned Additional Government Pleader appearing for the first respondent submitted that the representation of the petitioner dated 12.10.2015 will be considered on merits and in accordance with law within the time stipulated by this Court.



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5. Heard the leaned counsel on either side and also perused the materials available on record.

6. In view of the above submissions made by the learned counsel appearing for the petitioner, the first respondent is directed to consider the representation of the petitioner dated 12.10.2015 and pass appropriate orders, on merits, in accordance with law, within a period six weeks from the date of receipt o a copy of this order.

7. In the result, the writ petition is disposed of with the above observation and direction. No costs.

10.01.2025

Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
kkd

To

The Secretary,
Human Resources Management Dept.
Secretariat, St.George Fort,
Chennai 600 009



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J.SATHYA NARAYANA PRASAD, J.

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