



W.P. No. 30260 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 13.11.2025

PRONOUNCED : 21.11.2025

CORAM

THE HON'BLE Mr. JUSTICE T.VINOD KUMAR

W.P. No. 30260 of 2019

P.Veluchami

...Petitioner

Vs.

1. Government of Tamil Nadu
Rep. By the Principal Secretary
Higher Education Department
G2 Department, Secretariat
Fort St. George, Chennai-600009.
2. Director of Collegiate Education
College Road, Chennai.
3. The Principal
Chikkanna Government Arts College
Tirupur.

...Respondents

Prayer : This writ petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings in Letter No. 1500/G2/2017/3 dated 10.06.2019 issued by the 1st respondent, quash the same and direct the respondents to extend all the service benefits to the petitioner taking into consideration the date of regularization as 13.10.1982 and with effect from the dates on which the petitioner's juniors were promoted to the post of Assistant/ Superintendent /Bursar/ Assistant Director.

For Petitioner(s) : Mr.R.Subramanian



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For Respondent(s) : Mr.C.Gauthamaraj, GA

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ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the records.

2. The case of the petitioner in brief is that he is a Sri Lankan Repatriate and was appointed as Junior Assistant through employment exchange under Rule 10(a)1 of the Tamil Nadu State and Subordinate Services Rules (hereinafter referred to as 'TNSSS Rules' in short) on 13.10.1982; that his services were regularized with effect from 25.06.1984 with the concurrence of the Tamil Nadu Public Service Commission (hereinafter referred to as 'the TNPSC' in short); that he was promoted to the next level as Assistant and thereafter, Superintendent and while working as Bursar retired from service; and that he has put in more than 37 years of service.

3. The petitioner contends that though his services were regularized initially with effect from 25.06.1984, by issuing G.O. Ms. No. 131, High Education Department, dated 07.04.2005, the Government regularized his services from the date of joining, 13.10.1982, in the place of 26.05.1984.



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4. It is the further case of the petitioner that though by the aforesaid G.O. his services were regularized from the date of joining, the same was given without any monetary benefits. Thus, the petitioner cannot claim any monetary benefit on account of his services being treated as having been regularized from the date of joining; though he was not entitled to claim any monetary benefits on account of regularization of his services from an earlier date i.e., the date of joining of service on 13.10.1982; and that the petitioner would be entitled for notional promotion in the position of Assistant and Bursar from an earlier date on completion of fixed tenure in each post.

5. It is the further case of the petitioner that since, the petitioner had retired from service on 29.02.2020, by granting notional promotion from an earlier date as per G.O.Ms.No.131, the same would result in he being granted higher pensionary benefits by adding two years service to his over all service period, entitling him for two yearly grade increments, resulting in his notional last drawn pay being higher on the date of retirement forming the basis for fixing the retiral benefits.



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6. The petitioner contends that it is for the said reasons, he approached the respondent authorities and submitted a representation and as the said representation was not considered, he had approached this Court and filed a writ petition in W.P. No. 2114 of 2019 and this Court by order dated 25.01.2019 directed the respondents to dispose of the aforesaid representation on its merits and in accordance with law.

7. It is contended by the petitioner that the respondents issued the impugned order without taking into consideration that vide G.O. Ms. No. 131, Higher Education Department, dated 07.04.2005, the services of petitioner were regularized with effect from the date of joining and rejecting the claim made under the representation erroneously stating that the seniority cannot be revised and the petitioner cannot be granted promotion.

8. It is the further case of the petitioner that since, the respondents did not give him notional promotion even though his services were regularized from an earlier date i.e., date of joining the service, he had approached this Court by the present writ petition challenging the impugned order, seeking grant of notional promotion in the respective cadres from an earlier date than the date on which he was granted promotion.



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10. The respondents by the counter-affidavit contend that the petitioner was appointed as Junior Assistant through employment exchange on 13.10.1982 and his services were regularized on 25.06.1984 vide G.O. Ms. No. 996, Personnel and Administrative Reforms Department, dated 22.09.1984; that his service conditions, viz., Seniority, Age, Educational Qualifications, etc., were fixed in terms of G.O. (Ms) No. 548, Personnel and Administrative Reforms (Per. J) Department, dated 19.06.1987; that in the aforesaid G.O., Rule 10 dealing with 'Seniority' states that the Seniority of a candidate appointed through Special Absorption, in 1984, be fixed with reference to the date of first temporary appointment in the departmental unit in which he had been absorbed; and that though the petitioner has been appointed on 13.10.1982, the petitioner cannot be placed above the 3 senior candidates in the integrated seniority list as the same leads to violating G.O. Ms. No. 548, Personnel and Administrative Reforms (Per.J) Department, dated 19.06.1987, which specifically mandates that candidates appointed through special absorption in 1984 should be ranked below the candidates selected by the TNPSC on the basis of the competitive



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examination held in November 1983 irrespective of their date of appointment.

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11. The respondents by the counter-affidavit further contend that though the petitioner's services were regularized from the date of his joining the service as per the G.O. Ms. No. 131, Higher Education Department, dated 07.04.2005, the petitioner cannot claim to be placed over the direct recruitees for being granted notional promotion. Contending as above, the respondents seek for dismissal of the writ petition.

12. I have taken note of the respective contentions.

13. The appointment of the petitioner in the year 1982 is pursuant to G.O.Ms.No. 2024 (Revenue Department) dated 15.05.1974, whereby the Government had recognized the need for relaxing certain rules prescribed for the recruitment to various jobs in public services in favour of repatriates. It is pursuant to the aforesaid G.O., the petitioner was appointed as Junior Assistant on 13.10.1982 which appointment required concurrence of TNPSC. Upon the TNPSC giving its concurrence for the appointment of the petitioner as Junior Assistant, his services were regularized with effect from 25.06.1984. Thus, the services of the petitioner continued to be treated as having been regularized



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from 25.06.1984. However, the Government by issuing G.O. Ms. No. 131, Higher Education Department, dated 07.04.2005 taking note of G.O. Ms. No. 2024 (Revenue Department) dated 15.05.1974, which granted relaxation with regard to the appointment of repatriates from Sri Lanka and Burma, granted two benefits in favour of the repatriates and one of the benefits thereunder being regularization from the date of joining of service. The Government by accepting the representation of the petitioner dated 10.11.2004 regularized the services of the petitioner in the category of Junior Assistant from the date of initial appointment i.e., with effect from 13.10.1982 without any monetary benefits.

14. The natural corollary of the issuance of aforesaid G.O. is that the service of the petitioner is to be treated as having been regularized with effect from 13.10.1982 instead of 25.06.1984 as recorded earlier. Since, the petitioner's services stood regularized with effect from the date of joining, he would become eligible for all the benefits that would be due to him by considering his date of regularization of service as from October 1982 instead of May 1984. This would result in petitioner becoming eligible for promotion to the next level i.e., Senior Assistant on completion of 10 years of service. Though the petitioner was promoted as Senior Assistant, and thereafter as



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Superintendent on completion of 10 years each, the said promotions have been granted by considering the date of regularization of the petitioner's service as May 1984 and not by considering the date of joining as October 1982, on issuance of G.O. Ms. No. 131, Higher Education Department, dated 07.04.2005, the date of regularization of service has to be reckoned for granting promotion to the next level on completion of the specific period of service.

15. If only, the respondents had taken note of the change in the date of regularization of service as notified under G.O. Ms. No. 131, Higher Education Department, dated 07.04.2005, the petitioner would become entitle for promotion to the position of Senior Assistant in the year 1992, Superintendent in the year 2002 and to the position of Bursar in the month of October 2012 instead of 1994, 2004 & 2014, when such promotions were granted. The effect of non-considering the regularization of service from an early date has resulted the petitioner being deprived to two annual increments, before attaining the age of superannuation, thereby, affecting the last drawn pay which is taken as the basis for fixing the pensionary benefits.

16. Though on behalf of the respondents, it is contended that the



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petitioner having been granted all the retiral benefits, as noted hereinabove, the respondents did not take into consideration the two annual increments that the petitioner is entitled to on account of his services having been regularized from an earlier point of time i.e., the date of joining as per G.O. Ms. No. 131, Higher Education Department, dated 07.04.2005, instead of date of regularization as applied by the respondents in terms of G.O. Ms. No. 996, Personnel and Administrative Reforms Department, dated 22.09.1984. This non-consideration of regularization of the petitioner's service from the date of joining resulted in the petitioner being deprived of the time bound promotion to the next level including the last promotion as Bursar. As the petitioner had attained the age of superannuation and having retired from service on 29.02.2020, the non-consideration of the regularization of the services of the petitioner from an earlier date by the respondents in effect has resulted in G.O. Ms. No. 131, Higher Education Department, dated 07.04.2005 being rendered redundant and otiose as the petitioner is deprived of the petitioner being deprived of the benefit thereunder.

17. Since, the petitioner during the pendency of the present writ petition had retired from the service of the respondents and as this Court had now come to the conclusion that the petitioner is eligible to reckon his services as having



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been regularized from the date of joining the service, the respondents are required to consider the petitioner as having been promoted to the next level by reckoning the date of joining in service for granting notional promotion, though without any monetary benefits.

18. Thus, if the date of regularization of the petitioner is considered as on the date of joining the service, it would make the petitioner eligible for promotion to his last post of promotion i.e., Bursar, which is also stated to be a time bound promotion, in the year 2012 instead of 2014. The effect of considering the petitioner as having been promoted in the year 2012 itself, instead of 2014 would result in fixation of higher last drawn pay than the last drawn pay considered by the respondents for fixation of pensionary benefits of the petitioner, as the petitioner would have secured two annual increments though notionally without any monetary benefits.

19. As the impugned proceedings dated 10.06.2019 did not consider the aforesaid aspect and only stated that the petitioner's seniority cannot be revised and the petitioner cannot be granted promotion, as this Court has now holding that the petitioner was entitled for notional promotion by reckoning the date of regularization of his service as from the date of his joining, the impugned order



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cannot be sustained.

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20. However, taking note of the fact that the petitioner having retired from service, the respondents are directed to re-work the time bound promotions to be granted to the petitioner by reckoning his services as having been regularized with effect from October 1982 notionally to arrive at the last drawn pay that the petitioner would have drawn, in order to give effect to G.O. Ms. No. 131, Higher Education Department, dated 07.04.2005 and adopt the same for the purpose of fixing pensionary benefits.

21. Accordingly, the writ petition is allowed. The respondents are directed to undertake the exercise as aforesaid directed and fix the pensionary benefits to which the petitioner would be entitled to within a period of 12 weeks from the date of receipt of a copy of this order. Upon undertaking and completing the aforesaid exercise, the respondents are also directed to pay the differential pension on account of re-fixation to the petitioner from the date of retirement within a further period of six weeks therefrom. No order as to costs.

21.11.2025



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Index : Yes/No

Internet: Yes/No

Speaking or Non-speaking order

Maya

To

1. The Principal Secretary
Higher Education Department
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2. Director of Collegiate Education
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T.VINOD KUMAR, J.

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