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W.A.No.618 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.618 of 2025

and

C.M.P.No.4970 of 2025

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St. George, Chennai - 600 009.

2.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George, Secretariat,
Chennai - 600 009.

3.The Commissioner,
Directorate of Rural Development
and Panchayat Raj Department,
Panagal Building, Saidapet,
Chennai - 600 015.

... Appellants

Vs.

1.K.Maria Antony Ruswald

2.The Principal Accountant General (Tamil Nadu),
O/o. the Principal Accountant General,
AG's Office Complex, 361, Anna Salai,
Teynampet, Chennai - 600 018.

... Respondents



W.A.No.618 of 2022

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 18.03.2024 made in W.P.No.34779 of 2022 and allow this Writ Appeal.

For Appellants : Mr.P.Anandakumar, Government Advocate

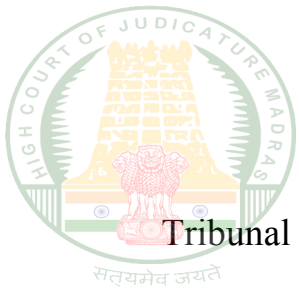
For Respondents : Mr.S.Nedunchezhiyan for R1

Mr.T.Ravi Kumar, Standing Counsel for R2

J U D G M E N T

(Judgment of the Court was delivered by ***R.SUBRAMANIAN, J.***)

We do not find any merit in this appeal. Admittedly the petitioners were appointed on temporary basis after going through proper selection to sanctioned posts, during the year 1986. By G.O.Ms.No.433, Personnel and Administrative Reforms (Placement Cell), dated 14.12.1993, the temporary employees were ousted from service. Upon their representation, the Government directed a Special Qualifying Examination to be held for those ousted employees and such examination was held on 24.06.1995. It is not in dispute that these respondents have cleared the Special Qualifying Examination conducted on 24.06.1995. However, they were re-employed after 2 and a half years. In the interregnum the temporary employees, who had failed in the Special Qualifying Examination approached the Tamil Nadu Administrative



W.A.No.618 of 2022

Tribunal and the Tribunal directed regularization of their services.

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2. The said order was challenged before this Court and this Court also dismissed the writ petition. Upon such dismissal, the Government regularized the services of those who failed in the Special Qualifying Examination without break in service. When similar benefit was sought for by the employees who cleared the examination, the Government took a very unreasonable stand and refused to take the break in service as part of the service for the purposes of pension. This prompted the employees to approach this Court again.

3. The writ court had taken note of the fact the Government had conferred the benefit on persons who have failed in the written examination and directed that the petitioners who have cleared the examination should also be given the same benefit. The benefit is sought to be denied on the ground that for those persons who have failed, this Court had directed that their services be regularized from the date of their initial employment and hence they were regularized. The writ Court had only directed regularization of services of employees who had cleared the examination. It will be unreasonable for this Court to deny such benefit conferred on the persons who failed the examination to persons who have cleared the examination.



W.A.No.618 of 2025

WEB COPY

4. Hence, we see no reason to interfere with the order of the writ Court.

The Writ Appeal therefore fails and it is accordingly **dismissed**. No costs.

Consequently, the connected miscellaneous petition is closed.

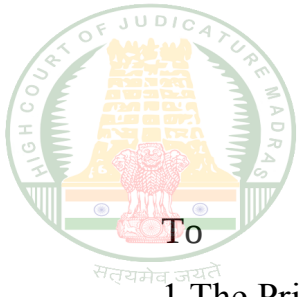
(R.S.M.,J.) (G.A.M.,J.)
10.03.2025

dsa

Index : No

Neutral Citation : No

Speaking order



W.A.No.618 of 2022

To

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State of Tamil Nadu,
Personnel and Administrative Reforms Department,
Fort St. George, Chennai - 600 009.
2. The Secretary to Government,
State of Tamil Nadu,
Rural Development and Panchayat Raj Department,
Fort St. George, Secretariat,
Chennai - 600 009.
3. The Commissioner,
Directorate of Rural Development
and Panchayat Raj Department,
Panagal Building, Saidapet,
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4. The Principal Accountant General (Tamil Nadu),
O/o. the Principal Accountant General,
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WEB COPY



W.A.No.618 of 2025

R.SUBRAMANIAN, J.
and
G.ARUL MURUGAN, J.

dsa

W.A.No.618 of 2025

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