



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.5028 of 2025
and
W.M.P.No.5579 of 2025

C.Krishnamoorthy

.. Petitioner

Vs.

1. The Secretary to Government,
Adi Dravider and Tribal Welfare Department,
Government of Tamil Nadu,
Secretariat, Chennai – 600 009.

2.The Director
Office of the Adi Dravider Welfare,
Government of Tamil Nadu,
Ezhilagam, Chennai – 600 105.

3.The Adi Dravider Welfare Officer,
Thiruvannamalai District,
Thiruvannamalai.

4.The Special Tahsildhar,
Adi Dravider and Tribal Welfare Department,
Polur Taluk,
Thiruvannamalai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Na.Ka.No.E5/ 26825/2022 dated 27.02.2024 and to



quash the same as illegal and unlawful and direct the respondents herein to revise the service of the petitioner as Junior Assistant with effect from date of publication of G.O. Ms. No.1499 Labour and Employment Department dated 03.08.1989 and direct them to provide subsequent promotions by taking into account of the petitioner service in the cadre of night watchmen with effect from 03.03.1989 and direct them to provide subsequent promotions by taking into account of the petitioner service in the cadre of night watchmen with effect from 03.03.1989 and in the cadre of Junior Assistant with effect from 22.12.2022 along with back wages and other monetary and service benefits etc.

For Petitioner .. Mr.P.Ganapathy

For Respondents .. Mr.S.Yashwanth, AGP

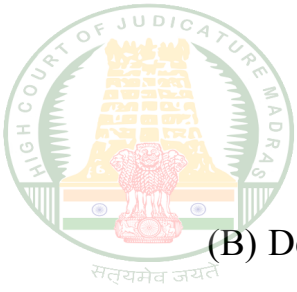
ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to the proceedings of the 2nd respondent dated 27.02.2024 and to quash the same and direct the respondents to revise the service of the petitioner as Junior Assistant with effect from the date of publication of G.O.Ms.No.1499 Labour and Employment Department dated 03.08.1989 and also grant subsequent promotion to the petitioner.



2. In the affidavit filed in support of the writ petition, it had been contended that the petitioner was appointed as Night Watchman on 02.03.1989 on compassionate ground. His services were also regularized by proceedings dated 01.09.1997. The petitioner had the educational qualification of XII standard. At the time of filing of the writ petition, the petitioner was working as Office Assistant by promotion with effect from 15.07.2022. The petitioner claims that he is entitled to the benefits under G.O.Ms.No.1499 Labour and Employment Department dated 03.08.1989 that anybody who is appointed on a lower post like Record Clerk, Office Assistant and Sweeper on compassionate ground and has the required qualification to the post of Junior Assistant should be appointed as the Junior Assistant.

3. But however, in the counter affidavit, it had been stated that before being so appointed as Junior Assistant, the appointee must undergo training for a total period of six months for which the first three months shall be as Record Clerk and the second three months shall be as Junior Assistant. This training shall be for two hours a day without detriment to normal work. This has been introduced by G.O.Ms.336, Personnel and Administrative Reforms



(B) Department dated 13.09.2024, wherein an amendment had been brought

into in G.O.Ms.No.1499 dated 03.08.1989. The amendment is as follows:

“In the said Special Rules, in Rule 3, in Sub-Rule (g), for Clause (v), the following clause shall be substituted, namely:-

(v) Those who are in possession of the required educational qualification and belong to the Tamil Nadu Basic Service shall be given training in clerical work for a total period of six months, out of which for the first three months the training shall be with the Record Clerk and on its completion the second three months training shall be with the Junior Assistant. The above training shall be for two hours a day without detriment to their normal work”

4.It is thus seen that it is imperative that the petitioner should undergo training both as Record Clerk and as Junior Assistant for a period of two hours a day for a total period of three month respectively. It is now contended that the petitioner is undergoing such training consequent to him being directed to attend such training by an order dated 29.10.2024.



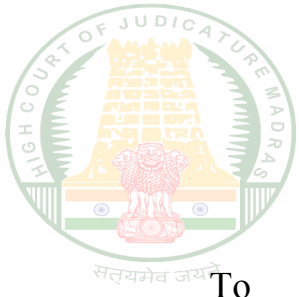
WEB COPY 5. In the counter affidavit, it had been further stated that on completion of such training, if other factors are in his favour he would be considered for posting as Junior Assistant, if he is otherwise eligible.

6. The respondents may pass appropriate orders posting the petitioner as Junior Assistant, if he is otherwise eligible on completion of his training. The petitioner may also take this as a word of caution to maintain decorum and ensure that he is eligible to be posted as Junior Assistant on completion of training.

7. With the above observations, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

25.03.2025

Index: Yes/No
Internet: Yes/No
smv



To
WEB COPY

1. The Secretary to Government,
Adi Dravider and Tribal Welfare Department,
Government of Tamil Nadu,
Secretariat, Chennai – 600 009.

2. The Director
Office of the Adi Dravider Welfare,
Government of Tamil Nadu,
Ezhilagam, Chennai – 600 105.

3. The Adi Dravider Welfare Officer,
Thiruvannamalai District,
Thiruvannamalai.

4. The Special Tahsildhar,
Adi Dravider and Tribal Welfare Department,
Polur Taluk,
Thiruvannamalai District.



WEB COPY



7

C.V.KARTHIKEYAN,J.

smv

W.P.No.5028 of 2025

25.03.2025