



WEB COPY



W.A.No.240 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

.THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.240 of 2025

and

C.M.P.No.1681 of 2025

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.

2.The Principal Commissioner and
Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.

3.The District Collector,
Dindigul,
Dindigul District.

... Appellants

Vs.

C.Palanichamy

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 12.09.2023 made in W.P.No.11326 of 2018.



WEB COPY



W.A.No.240 of 2020

For Appellant : Mr.S.John J. Raja Singh, Addl. Govt. Pleader

For Respondents : Mr.V.Muthumani

J U D G M E N T

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

The respondent in this appeal was appointed as a Village Karnam in the year 1980 and upon abolition of the post, he was appointed as the Village Administrative Officer on 24.10.2005. However, his probation was not duly declared till he retired from service on 31.12.2014. He was also allowed to retire by the Revenue Divisional Officer, Dindugul on the said date. He had made a request on 10.07.2015 seeking to declare his probation with effect from the date of completion of 2 years from the date of his initial appointment i.e., with effect from 24.10.2007. His request was considered by the Government and an order came to be passed on 27.10.2016 declaring his probation with effect from 30.12.2014 i.e., a day prior to his retirement. This order was challenged before the writ Court.

2. The writ Court after referring to a judgment of this Court in ***K.Muthusamy and S.Sivasankaran Vs. The State of Tamil Nadu and others*** dated **12.08.2010** made in ***W.P.No.18365 and 18366 of 2010***, concluded that if



W.A.No.240 of 2022

probation is not declared within six months after completion of two years, there shall be deemed declaration of probation in terms of Rule 27(b) of General Rules of Tamil Nadu State and Subordinate Services. Relying upon the said judgment as well as the judgment of the Division Bench in **Dr.N.Iyyanar Vs. Secretary to Government** reported in **(2008) 3 MLJ 145**, wherein, it was held that a pass in departmental tests was not mandatory for declaration of probation, allowed the writ petition directing that the respondent's services shall be regularized with effect from 24.10.2007 i.e., two years from the date on which he had joined the services initially.

3. It is this order that is under challenge before us. When the Writ Appeal came up for admission on 17.02.2025, we had directed the Government Pleader to find out as to whether the judgment of this Court in **K.Muthusamy and S.Sivasankaran Vs. The State of Tamil Nadu and others** dated **12.08.2010** has been challenged. Upon written instructions, the learned Government Pleader submits that no appeal has been filed against the said judgment and in view of the same, the judgment of **K.Muthusamy and S.Sivasankaran Vs. The State of Tamil Nadu and others supra** had become final and we do not find any reason to take a different view from the view expressed by the Hon'ble Mr.Justice V.Ramasubramanian in the said judgment. It is incumbent upon the appellants



W.A.No.240 of 2025

to either declare the probation or terminate the services of the employee within six months from the date of completion of two years of service. If no order is passed within the said period, then the probation is deemed to have been declared from the date on which the employee completed two years of service. Hence, we see no infirmity in the order of the writ Court.

4. The writ appeal therefore fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

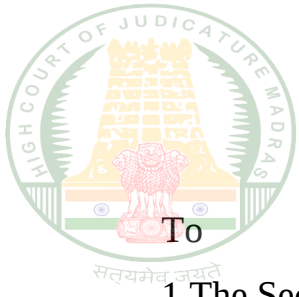
(R.S.M.,J.) (G.A.M.,J.)
24.02.2025

dsa

Index : No

Neutral Citation : No

Speaking order



W.A.No.240 of 2020

To

1.The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Secretariat, Chennai - 600 009.

2.The Principal Commissioner and
Commissioner of Revenue Administration,
Chepauk, Chennai - 600 005.

3.The District Collector,
Dindigul,
Dindigul District.



WEB COPY



W.A.No.240 of 2025

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

dsa

W.A.No.240 of 2025

24.02.2025