

W.A.(MD)No.662 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.662 of 2025
and
C.M.P.(MD)No.4689 of 2025**

- 1.The State of Tamil Nadu,
Represented by its Additional Chief
Secretary to the Government,
Labour & Employment Department,
Fort St.George, Chennai-600 009.
- 2.The Director,
Employment and Training,
Guindy, Chennai-32.
- 3.The Joint Director (Craftsman Training),
Employment and Training Department,
Guindy, Chennai-32.
- 4.The Principal,
Government Industrial Training Institute,
Ramanathapuram,
Ramanathapuram District.

... Appellants

Vs.

V.Mangala Sundari,
Office Manager,
Government Industrial Training Institute,
Nagalapuram, Thoothukudi District.

... Respondent



W.A. (MD) No. 662 of 2025

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.22211 of 2022, dated 18.11.2022.

For Appellants : M/s.D.Farjana Ghoushia
Special Government Pleader
For Respondent : Mr.D.Sivaraman

JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

The present writ appeal is preferred against the order, dated 18.11.2022, passed in W.P.(MD)No.22211 of 2022.

2.The writ petition was filed for issuance of a Writ of Certiorarified Mandamus,

i) To quash the order passed by the first respondent herein in G.O(2d) No.24 dated 29.07.2020 and the consequential recovery order passed by the fourth respondent herein in Se.Mu.Order.No.17527/Ee/2017, dated 29.01.2021;

ii) To direct the respondents herein to declare the successful completion of the probation of the petitioner in the post of Store Keeper with effect from 15.06.2012;



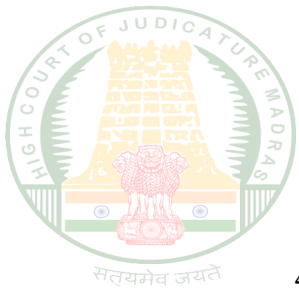
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iii) To promote the petitioner to the post of Office Manager with effect from the date on which her immediate junior viz., R.Dheeban was promoted and to grant the consequential and monetary benefits and

iv) To direct the respondents to repay the amount recovered from the petitioner's salary in pursuant to the recovery order passed by the fourth respondent herein in his proceedings, Se.Mu.Order.No.17527/Ee/2017, dated 29.01.2021.

3.The brief facts as stated in the writ petition are that the writ petitioner was selected for the post of Store Keeper through TNPSC and was appointed on 07.06.2010. The petitioner's probation was not declared within two years or the extended period of three years, since the petitioner was not sent to attend Bhavani Sagar Training. The petitioner's turn to be sent for the said training course came only on 05.05.2015 and she completed the course on 20.06.2015. Out of six subjects, the petitioner cleared 5 subjects on 03.07.2015 and she cleared the remaining paper on 18.12.2015. Thereafter, through the order impugned in the writ petition, dated 29.01.2021, the petitioner's probation was declared with effect from 19.12.2015. The increments that had been sanctioned in the meanwhile were ordered to be recovered. Challenging the same, the writ petition was filed.



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4. The respondents have filed counter affidavit in the writ petition wherein it is stated that for declaration of probation, the member should have completed the special tests. Since the writ petitioner had cleared only by 18.12.2015, the government has rightly declared with effect from 19.12.2015. Therefore, the writ petitioner is not entitled to any relief. Writ petitions with similar claims were allowed but the same were stayed in the writ appeal stage.

5. After considering the rival submissions, the writ petition was allowed by directing the respondents to declare probation on the expiry of two years from the date of joining the service and to refund the recovered amount and to grant consequential benefits such as seniority and promotion. Aggrieved over the same, the present writ appeal is filed by the government.

6. The contention of the State is that probation can be declared if the member has passed all the departmental tests. Since the writ petitioner has failed in one subject, the State has declared probation after she has passed in the second attempt.

7. On perusing the Rule 27 of Tamil Nadu State and Subordinate



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Service Rules, it is clear that the member can be declared probation, if all the departmental tests are passed by the member. In fact, the Writ Court has also held the same and has declined the contention of the writ petitioner.

8. However, the Writ Court has considered another plea raised by the writ petitioner and allowed the writ petition on the said plea. The plea of the writ petitioner is that the appellants ought to have sent the writ petitioner for Bhavani Sagar Training within a period of two years. Admittedly, in the present case, the respondents in writ petition have sent the writ petitioner after the expiry of the 5th year, which is a mistake committed by the department. Therefore, the said mistake cannot be put against the writ petitioner. On this ground, the Writ Court has considered the plea of the writ petitioner and granted the relief.

9. This Court concurs with the finding of the Writ Court, since Rule 27 shall be considered, if the Bhavani Sagar Training was sent within 2 years. If the member was sent to Bhavani Sagar Training beyond two years, Rule 27 cannot be strictly invoked and the benefits accrued to the writ petitioner / respondent herein cannot be denied for the lapses committed by the department. Therefore, contention raised by the appellants cannot be considered. The Writ Court has rightly come to the conclusion that sending for training belatedly is the lapse of



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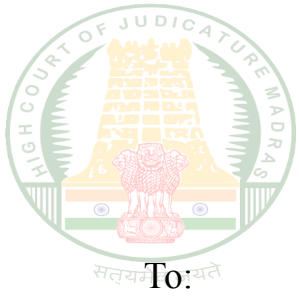
the department. Therefore, this Court is not inclined to interfere in the order passed by the Writ Court.

10.With the above said observations, the writ appeal is dismissed, confirming the order passed by the Writ Court. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] [S.S.Y., J.]
21.03.2025

Index : Yes / No

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Fort St. George, Chennai-600 009.
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