BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.10361 of 2021
and
W.M.P.(MD)No.15696 of 2023

M.Rajkumar : Petitioner

Vs.

1.The Principal Secretary to Government,
Commercial Taxes and Registration (A2) Department,
Fort St. George,
Chennai – 600 009.

2.The Commissioner of Commercial Taxes,
Ezhilagam,
Chepauk,
Chennai. : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the first respondent dated 26.07.2019 made in G.O.(D)No.133, Commercial Taxes and Registration (A2) Department and quash the same as illegal and unlawful consequently direct the first respondent to declare the petitioner's probation completed on 22.07.2013 with all service benefits.

For Petitioner : Mr.J.Pooventhera Rajan
For Respondents : Mr.A.Baskaran,
Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the impugned order dated 26.07.2019 passed by the first respondent declaring the petitioner's probation as 21.06.2017.

2.The petitioner is aggrieved by the impugned order as according to him, his probation ought to have been declared within two [2] years from the date of his appointment as per Rule 32 of the Tamil Nadu Ministerial Service Rules. According to the petitioner, eventhough he had completed all the departmental examinations since he was not sent for Bhavanisagar training, within the period of two years, his probation was declared belatedly. It is also the case of the petitioner that since he has suffered punishment on account of the possession of three liquor bottles during the Bhavanisagar training underwent by him as the respondents had imposed punishment of stoppage of increment for three years without cumulative effect, the question of ousting him from Bhavanisagar training due to the aforesaid misconduct by the respondents will amount to *double jeopardy,* which is not legally permissible. According to the petitioner, for no fault of his, the probation has been belatedly declared by the respondents as 21.06.2017 under the impugned order.

3.The petitioner also claims that a similarly placed employee by name A.Ponnuvel was declared probation from the forenoon of 24.05.2016, whereas the petitioner was declared probation only from the forenoon of 21.06.2017 under the impugned order.

4.A counter affidavit has been filed by the respondents reiterating the contents of the impugned order. They would submit that the petitioner had passed the departmental test as per the Tamil Nadu Government Office Manual in December 2011. Thereafter, he was deputed for foundational course training at Bhavanisagar on

05.02.2016 for 41 days training period from 05.02.2016 to 23.03.2016. While he was in the training on 13.03.2016, surprise inspection was conducted by the officials of the training centre in the hostel rooms and the petitioner was ousted from the training along with other trainees on the ground that three empty liquor bottles were recovered from his room. Later on, he was deputed to foundational training on 10.06.2017 for the remaining 9 days. The official examination was held on 20.06.2017 and the petitioner passed all the subjects. Since the petitioner has completed Bhavanisagar training only on 20.06.2017 and after considering the proposal of Additional Chief Secretary / Commissioner of Commercial Taxes, the Government had declared the completion of the probation of the petitioner as 21.06.2017 FN. According to the respondents, there is no irregularity committed by them in declaring the probation of the petitioner on 21.06.2017. The respondents have also contended that Rule 32 (a)(1) of the Tamil Nadu Ministerial Service Rules states that every person appointed to a category by direct recruitment shall be on probation for a total period of two years on duty within a continuous period of three years. However, for declaration of probation, Rule 34(a) r/w. Annexure – V of the Special Rules for the Tanil Nadu Ministerial Services stipulates passing of the following tests within the prescribed period of probation:

(i) Tamil Nadu Government Office Manual

(ii) Foundational training at Bhavanisagar.

5.Therefore, according to the respondents, without passing of the prescribed test, one cannot be considered for declaration of probation. Since the petitioner completed foundational training only on 20.06.2017 AN, his probation was declared by the respondents only on 21.06.2017 as per the Rules in vogue. Admittedly, while the petitioner was sent for foundational training at Bhavanisagar, at the first instance, the petitioner was found guilty of possessing liquor bottles during the training period in his hostel room along with others. The said fact is also proved in view of the punishment imposed on the petitioner namely stoppage of increment for a period of three months without cumulative effect on the petitioner. In view of the aforesaid misconduct, the petitioner was ousted from the foundational training.

6.Having committed such a misconduct of possessing three liquor bottles during the period of the petitioner's training, this Court does not find any irregularity or infirmity in the decision taken by the respondents to oust the petitioner from training, on account of the said misconduct. Pursuant to the same, disciplinary proceedings was also initiated against the petitioner and the petitioner after enquiry was also found guilty of the said misconduct and punishment order was also passed imposing the punishment of stoppage of increment for a period of three months without cumulative effect on the petitioner. The said punishment order has also attained finality as the petitioner did not challenge the punishment order.

7.Necessarily, during training, a trainee ought to maintain strict discipline. If a trainee commits indiscipline, that too of the nature charged against the petitioner which has also been proved in the disciplinary proceedings initiated against the petitioner, the said indiscipline, if allowed to continue, will affect the morale and peace of others who are also undergoing training in the same training session. Only in the interest of the other trainees, the respondents had ousted the petitioner from continuing with this training in respect of the Bhavanisagar training. It is not a case where the petitioner was not subsequently sent for completing his Bhavanisagar training. In fact, after he was ousted from the first training session on account of his misconduct, he was sent thereafter during another training session to complete his training period. The petitioner had also completed his training period and immediately on the next date, his probation was declared. The training got completed for the petitioner on 20.06.2017 and his probation was declared on 21.06.2017. There was no delay on the part of the respondents to declare the probation of the petitioner.

8.The petitioner in this Writ Petition claims that having ousted him from the training session during his training and having punished him in the disciplinary proceedings, by imposing the punishment of stoppage of increment for a period of three months without cumulative effect would amount to *double jeopardy.* This Court rejects the said contention for the following reasons:

a) undergoing training in a training session requires strict discipline from all trainees;

b) the petitioner was found in possession of three liquor bottles during the training period, that too, in the hostel room where he was staying during the training period;

c) in fact, enquiry was conducted in the disciplinary proceedings against the petitioner and the petitioner was found guilty of the charge and only thereafter, he was imposed with a punishment of stoppage of increment without cumulative effect for a period of three months.

9.As observed earlier, if the indiscipline of the petitioner was allowed to continue by retaining him in the very same training session, the other trainees will be impacted by the same and there will be no peace in the training session, which will have an adverse impact on others. The ousting of the petitioner from the training session during the petitioner's first training session on account of his misconduct and his subsequent punishment in the disciplinary proceedings will not amount to *double jeopardy* as claimed by the petitioner in this Writ Petition. Only to maintain discipline in the training session, the petitioner was ousted from the training session when the petitioner at the first instance had participated in the training session.

10. As rightly stated in the counter filed by the respondents before this Court, there was no delay on the part of the respondents in declaring the probation of the petitioner on 21.06.2017, as the petitioner had completed the foundational training only on 20.06.2017. Though the petitioner may contend before this Court that he was not sent for foundational training session within a period of two years from the date of his initial appointment and therefore, according to him, there was a delay on the part of the respondents in declaring probation, the said contention cannot be accepted by this

Court, in view of the fact that prior to the date when the petitioner was sent for foundational training, there was no representation made by the petitioner to the respondents requesting them to send him for foundational training. Only for the first time, before this Court that too after the probation of the petitioner was declared as on 21.06.2017, the said allegation is levelled by the petitioner against the respondents which is only an afterthought and cannot be entertained by this Court.

11. It is not a case where the petitioner alone has been singled out. The cases of one A.Ponnuvel and another employee are totally different from the case of the petitioner. They were not punished on account of the misconduct alleged to have been committed by them during the course of the foundational training. Therefore, the reliance placed by the learned Counsel for the petitioner on the date of declaration of probation in respect of those employees has no bearing for the facts of the instant case. Since the probation has been rightly declared in the case of the petitioner with effect from 21.06.2017, this Court does not find infirmity in the impugned order. Hence, there is no merit in this Writ Petition.

12. With the aforesaid observations, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

11.11.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR

To

1.The Principal Secretary to Government,
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Fort St. George,
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ABDUL QUDDHOSE., J.

MR

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