



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 18.11.2025

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WP(MD)No.13003 of 2019
and
W.M.P(MD)No.9693 of 2019

N.Chidambaram

... Petitioner

Vs.

- 1.The Agricultural Production Commissioner cum
Principal Secretary to Government,
Agricultural Department,
Fort St.George,
Chennai-09.
- 2.The Additional Secretary to Government,
Agricultural Department
Fort St. George,
Chennai-09.
- 3.The Principal secretary / Commissioner,
Agricultural Marketing and Agri Business,
Guindy,
Chennai-32.
- 4.The Secretary,
Madurai Market Committee,
Plot No.145A, Anna Nagar,
Madurai-20.
- 5.The Secretary,
Dindigul Market Committee,
Dindigul Collectorate Campus,

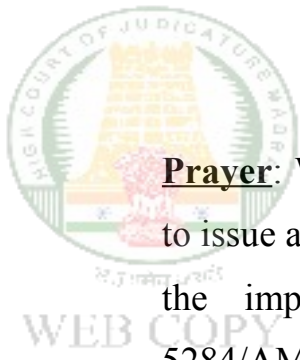


Dindigul-04.

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... Respondents



Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the 2nd respondent in Letter No. 5284/AM1/2016-19 dated 24.07.2018 and quash the same and consequently direct the respondents to provide Selection Grade to the petitioner from date of completion of 10 years service ie., 10.10.1989 and award Special Grade with effect from 10.10.1999 with all attendant and monetary benefits.

For Petitioner : Mr.Saravanan
for Mr.V.Muthukamatchi

For R1 to R3 : Mr.J.Ashok
Additional Government Pleader

ORDER

The present writ petition has been filed challenging the impugned order passed by the second respondent in letter No.5284/AM1/2016-19 dated 24.07.2018 and to quash the same and subsequently seeking direction against the respondent to provide selection grade.

2.Heard Mr.Saravanan, learned counsel appearing for Mr.V.Muthukamatchi, for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 to 3.

3.(a)The learned counsel for the petitioner would submit that he was



appointed as Typist in Maduri Market Committee, on 27.11.1973. Thereafter, he was promoted as Supervisor on 10.10.1979 and subsequently, he was retired from service as Superintendant on 30.06.2009. It is the specific submission of the petitioner that the petitioner is entitled for a selection grade on completion of 10 years of service as Supervisor qua from 09.10.1989. But, the respondents by referring to G.O.Ms.No.68 dated 23.01.1986, as the petitioner did not officiate the post of senior writer, being the one of the qualification for the promotional post, not granted selection grade.

(b). But the contention of the petitioner is that, the non-posting of the petitioner to the senior writer post is an administrative lapse, and that for the sake of administrative lapse, the petitioner's right to be considered for promotion cannot be denied. The learned counsel would further submit that taking into consideration of the petitioner's subsequent posting as the senior writer, he was awarded with selection grade on 09.06.1992. At this juncture, the learned counsel would invite the attention of the Court about the G.O.Ms.No.276 dated 07.08.1992, and would contend that the requirement of eligibility for the promotional post is not essential and relevant for consideration of selection grade. However without considering such position, the respondent has rejected the petitioner's claim for selection grade.

(c). The learned counsel for the petitioner would further submit that the



Government has not considered the specific proposal of the fourth respondent and their admission to the effect that his non-posting of the petitioner to the post of senior clerk was an administrative lapse. In spite of the above admission and proposal the Government has erroneously negated the proposal. Hence, he prayed the selection grade with effect from 09.10.1989. Hence, he prays to interfere with the impugned order.

4. Per contra, the said contention was stoutly objected by the learned Additional Government Pleader by reiterating the stand taken in the impugned order. It is the submission of the petitioner that the reliance of G.O.Ms.No.276 dated 07.08.1992 will have no application to the petitioner as the G.O., came into effect on 07.08.1992, whereas even prior to the above G.O., within a period of 10 years from the eligibility based upon the then prevailing rule the petitioner was awarded with selection grade. He would further make it clear that the old rule makes it mandatory to award selection grade only if the candidate possess all eligible qualification to be considered for the promotion. In the case in hand, since the petitioner did not officiate the post of senior clerk, which is essential qualification, he was not considered for selection grade and that from the date he acquired the qualification, within 10 years qua with effect from 09.06.1992 he was awarded with selection grade. Therefore, there are no infirmity in the impugned order, hence, prayed to dismiss the writ petition.

5. I have given my anxious consideration of the submission made on



either side.

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6. According to G.O.Ms.No.68 dated 23.01.1986, the employees became eligible for selection grade/special grade, if they have put in 10/20 years of satisfied service. Further according to the above G.O., to confer selection grade, he must fulfil all required qualifications, which is essential for an employee to be considered for the promotion. This position is not in serious dispute, and it would also be not in dispute that the petitioner was considered for selection grade, though appointed during 1979, from the date of acquiring necessary qualification in the year 1982 and within 10 years, he was awarded with selection grade.

7. Though this writ petition filed during 2019 viz., after a period of 10 years from the date of petitioner's superannuation, he has been agitating this issue since 1996. The fact remains that the petitioner were consistent in his attempt seeking selection grade, on completion of 10 years of his initial appointment.

8. In order to substantiate his contention, he would rely upon G.O.Ms.No.276, dated 07.08.1992. For ready reference, this Court deems it appropriate to extract hereunder:

9. According to the above G.O., the conditions stipulated in G.O.Ms.No.



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உயர் நீதிமன்றம், மதுரை தலைநகரில் வெளியிடப்பட்டது 23.01.1986
செ. எண். 68/1986 பார்வையிடப்பட்டது 23.01.1986

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GOVERNMENT OF TAMIL NADU

ABSTRACT

PUBLIC SERVICES - Advancement to Selection Grade/Special Grade posts - Revised Guidelines - Issued.

PUBLIC AND ADMINISTRATIVE REFORMS (PERSONNELS) DEPARTMENT

G.O.Ms.No.68

Dated 23.1.1986

Read:

1. G.O. Ms. No. 68, Personnel and Administrative Reforms (P.A.R.), dated 23.1.1986.
2. Govt. Letter No. 11229/P.P.S. & A.R. dated 23.1.1986.
3. Govt. Letter No. 61753/P.P.S. & A.R. dated 20.4.1987.
4. Govt. Letter No. 77163/P.P.S. & A.R. dated 14.3.1987.
5. Govt. Letter No. 13177/P.P.S. & A.R. dated 12.3.1987.

ORDER:

In the Government Order read above guidelines for advancement to Selection Grade/Special Grade posts were laid down. It has been ordered therein that the criteria as for promotion should form the basis for granting Selection Grade/Special Grade, on completion of 10/20 years of service.

2. In the meeting convened by the Hon'ble Chief Minister, with the Service Associations on 1.8.1992, it was represented that the criterion that one should possess all the qualifications for promotion to next higher post for awarding Selection/Special Grade should be removed. The Hon'ble Chief Minister announced that this request will be considered.

3. The Government after careful consideration of the request of Service Associations and in partial modification of the orders in the Government order first read above and the clarifications issued thereon from time to time, direct that the criterion that one should possess the qualifications and pass the test, if any, prescribed for next higher posts need not be insisted upon for movement to Selection/Special Grade.

4. All other conditions and guidelines contained in the Government order first read above will remain unchanged.

5. The Check Slip prescribed in the letter 2nd read above shall be revised as appended to this Government Order.

(BY ORDER OF THE GOVERNOR)

T.V. VENKATARAMAN,
Chief Secretary to Government.

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68 dated 23.01.1986 was partially modified. For ready reference, the scanned image of the above G.O.Ms.No.68, is hereunder:



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GOVERNMENT OF TAMIL NADU.

ABSTRACT.

Public Service--Advancement to Selection Grade/Special Grade posts in various services under Heads of Departments/ Secretariat--Guidelines--Issued.

(G.O.Ms.No.68, Personnel and Administrative Reforms (Per.M.), dated the 23rd January 1986).

READ:

1. G.O.Ms.No.89, P. & A.R.(Per.M.), dated 27th January 1977.
2. G.O.Ms.No.1050, Finance (PC), dated 5th October 1978.
3. G.O.Ms.No.214, P. & A.R.(Per.M.), dated 1st March 1979.
4. G.O.Ms.No.215, P. & A.R.(Per.M.), dated 1st March 1979.
5. G.O.Ms.No.458, P. & A.R.(Per.M.), dated 15th April 1980.
6. G.O.Ms.No.459, P. & A.R.(Per.M.), dated 15th April 1980.
7. Government Letter No.43532/P. & A.R.(Per.M.), dated 7th June 1980.
8. G.O.Ms.No.571, P. & A.R.(Per.M.), dated 2nd June 1981.
9. G.O.Ms.No.572, P. & A.R.(Per.M.), dated 2nd June 1981.
10. G.O.Ms.No.184, P. & A.R.(Per.M.), dated 1st March 1984.
11. G.O.Ms.No.185, P. & A.R.(Per.M.), dated 1st March 1984.
12. G.O.Ms.No.565, Finance (PC), dated 10th June 1985.

ORDER.

The Government in their order first read above, have ordered that the principle of selection should invariably be followed in making advancement to selection grade posts. In the Government Order second read above, the Government have accepted the recommendations of the Third Pay Commission and provided avenues of advancement on completion of ten years' service to selection grades and twenty years for special grades, for large number of categories in order to relieve stagnation among Government servants. They have also ordered that movement to the Selection Grade and Special Grades will be on completion of 10 years of "Satisfactory Service" in the ordinary grade and Selection Grade respectively. Accordingly, guidelines were issued in regard to making advancement to Selection Grade/Special Grade posts under Heads of Departments/Secretariat in the order third and fourth read above. Consequent on certain representation, the Government decided that advancement to Selection Grade/Special Grade posts be made on completion of 10/20 years of service.

2. The Tamil Nadu Fourth Pay Commission while recommending retention of the scheme for provision of Selection/Special Grades has emphasized that the criterion of "Satisfactory Service" originally recommended by the Third Pay



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Commission for movement to Selection/Special Grades should not be given a go-by in the interests of standards of efficiency in administration and that the same criterion as for promotion should form the basis hereafter for granting Selection Grade/Special Grade on completion of 10/20 years of service.

3. The Government, after careful consideration, have decided to accept the above recommendation of the Tamil Nadu Fourth Pay Commission. They accordingly direct that the guidelines already issued in the Government orders 3 to 11 read above be superseded and the following fresh guidelines be followed hereafter, while moving the Government employees to Selection/ Special Grades:

(i) For advancement to Selection Grade/special Grades, all employees, who have put in 10/20 years of satisfactory service and who satisfy all the qualifications prescribed under the Special Rules/Adhoc Rules prescribed for promotion to the higher post shall be eligible;

(ii) All other normal criteria for promotion to a higher post, viz. seniority, good or satisfactory record of service, the nature of punishments imposed on the employee and the lapses for which the punishments were imposed, the pendency of charges or disciplinary proceedings or enquiry, by Director of Vigilance and Anti-corruption, qualifications/tests prescribed under the Special/Adhoc Rules for the higher post, etc., should be followed while moving the employees to the Selection/Special Grade.

(iii)(a) For the purpose of advancement to Selection/Special Grades, a panel of all eligible employees, who will be completing ten years/twenty years of service between 1st January to 31st December in a year, shall be prepared before the 15th December of the preceding year and got approved by the appointing authority, in accordance with the guidelines in sub-paragraphs (i) and (ii) above. The actual orders of appointment to Selection/Special Grade of the employees concerned shall be issued immediately after the date on which the individual complete 10/20 years of service.

(b) If an employee, who, at the time of preparation of panel does not possess the qualification required but subsequently acquires the qualification before the actual date of completion of 10/20 years of service, the appointing authority shall have the power to include his name in the panel and move him to the Selection/Special Grade.

(c) Punishment suffered in between the period of approval of panel and advancement to Selection/Special grade may be taken due note of by the appointing authorities before actual issue of orders, moving the persons to the Selection/Special Grades.

(iv) A copy of the approved panel of names for advancement to Selection/Special Grades shall be communicated to the employees whose names were considered (including those whose names have not been included in the panel within a month from

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(a) These Instructions/Guidelines will not apply to categories for which there are promotion posts.
4. The guidelines now issued will take effect from 10th June 1985 (i.e., date of the Government Order twelfth read above). Orders already issued, if any, in respect of cases which have arisen for movement to Selection/Special Grades on or after 10th June 1985 should be reviewed in the light of the fresh guidelines now issued.
5. The scheme of advancement to higher post under Flexible Complementing Scheme shall continue without any change and cases which have arisen after 1st October 1984 shall continue to be processed with reference to the guidelines already issue in G.O.Ms.No.457 Personnel and Administrative Reforms (Per.M.) Department, dated 18th March 1979 and subsequent instructions thereon.

(By order of the Governor)
GOVERNMENT OF TAMIL NADU.

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and Administrative Reforms Department, dated 23rd September 1983, as modified in Government Letter No. 13841/84-6. Personnel and Administrative Reforms Department, dated 2nd November 1984 shall be scrupulously followed.

(x) The period of ten years in a post will be reckoned from the date of regular appointment but will exclude periods of reversion. Leave other than extraordinary leave without allowances without medical certificate should be taken into account while completing the 10/20 years period.

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10. The penetrative reading of the G.O.Ms.No.276 dated 07.08.1992 does not stipulate anything specifically towards retrospectiveness or prospectiveness.

The very reading of the G.O., is in the nature of clarificatory and partially modified the existing G.O.Ms.No.68 dated 23.01.1986. Therefore, the contention put forth by the respondent that on and from 07.08.1992 only the modification will apply could not be a proper understanding, as the very G.O.Ms.No.276, categorically stipulates that all other conditions and guidelines contained in the Government Order first read above will remain unchanged.

11. Therefore, harmonious reading of the G.O.Ms.No.68 dated 23.01.1986 along with G.O.Ms.No.276 dated 07.08.1992, gives a clear indication that the G.O.Ms.No.276 will have the effect of retroactive as if this modification was in existence on the date of issuance of G.O.Ms.No.68 dated 23.01.1986. If that being the case, the petitioner is eligible for selection grade on completion of his 10 years, notwithstanding whether he was eligible for promotion or not. While coming to the dates, he was appointed on 10.10.1979. Therefore his actual date of completion of 10 years was on 09.10.1989 that being the case, he must be awarded with selection grade with effect from 09.10.1989.

12. The issue involved in this case may also be looked at in a different angle. According to G.O.Ms.No.68, for consideration of selection grade, the compliance of promotion criteria are essential. According to the respondent, the petitioner did not have the required qualification of officiation of “senior clerk”



post. But the fourth respondent, who is the employer of the petitioner had sent a proposal on 23.07.1996 which factum was not in serious dispute, wherein they categorically admitted that such non posting was only on account of administrative lapse. As we know, it is well settled principles of law that any administrative lapse cannot be put against the individual and we cannot allow the individual to forgo his entitlement on the ground of administrative lapse. Here, when the fourth respondent categorically states that there was an administrative lapse, notwithstanding the other fact the first respondent ought to have been considered for selection grade positively by reckoning his date of initial appointment. Therefore, this Court finds justification in the petitioner's contention.

13. In the result, the impugned order dated 24.07.2018 is hereby quashed and the writ petition stands allowed. As a sequitur, this Court directs the respondent to provide selection grade to the petitioner with effect from 09.10.1989 with all consequential and monetary benefits within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected WMP is also closed.

18.11.2025

Index : Yes/No

Neutral Citation : Yes/No

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To

1. The Agricultural Production Commissioner cum
Principal Secretary to Government,
Agricultural Department,
Fort St. George,
Chennai-09.
2. The Additional Secretary to Government,
Agricultural Department
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3. The Principal secretary / Commissioner,
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C.KUMARAPPAN, J.

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