



W.P.(MD)No.17268 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.17268 of 2025
and
W.M.P.(MD)No.13159 of 2025

R.Nalliappan

... Petitioner

-VS-

The Principal Secretary / Transport Commissioner,
Guindy,
Chennai – 600 032.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to fix the inter se seniority among the Junior Assistant and Typist cadre as per Rule 5 (b) of Tamil Nadu Ministerial Service Rules and thereby, consider the objection of the petitioner dated 30.10.2022 in the light of Section 40(6) of Tamil Nadu Government servants (Conditions of Service) Act, 2016 to the panel drawn by the respondent in the cadre of Personal Assistant on 11.10.2022 and pass orders in it by fixing the appropriate inter se seniority in the said panel with all consequential benefits in his case is concerned, within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Gurunathan

For Respondent : Mr.S.R.A.Ramachandran
Additional Government Pleader



W.P.(MD)No.17268 of 2025

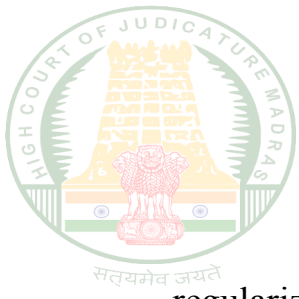
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ORDER

This Writ Petition has been filed seeking a direction to the respondent to fix the inter se seniority among the 'Junior Assistant' and 'Typist' cadres in accordance with Rule 5(b) of the Tamil Nadu Ministerial Service Rules. The petitioner further seeks consideration of his objection dated 30.10.2022, in the light of Section 40(6) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, with respect to the panel drawn by the respondent for promotion to the cadre of 'Personal Assistant' on 11.10.2022 and pass appropriate orders by re-fixing the inter se seniority in the said panel with all consequential benefits, within a time frame to be stipulated by this Court.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he is presently working as a 'Personal Assistant' to the Regional Transport Officer, Madurai Central. He was originally recruited through the Tamil Nadu Public Service Commission (TNPSC) for the post of 'Typist' for the recruitment year 1993–1994 and his services were



W.P.(MD)No.17268 of 2025

regularized on 21.10.1994. As per Rule 5(b) of the Tamil Nadu Ministerial Service Rules and G.O.Ms.No.417, Personnel and Administrative Reforms (Per-B) Department, dated 01.12.1993, it is the duty of the TNPSC to prepare a combined inter se seniority list for the 'Junior Assistant' and 'Typist' cadres. However, no such combined seniority list was prepared.

4. Further, in violation of the prescribed 1:1 ratio and applicable rules, the respondent prepared a seniority list for the post of Assistant in the year 1998, which was followed for further promotions to 'Superintendent' and 'Motor Vehicle Inspector (Non-Technical)', without considering proper seniority or inviting objections. In particular, the petitioner's juniors namely, Thenmozhi and others were placed above the petitioner in the 'Motor Vehicle Inspector (Non-Technical) panel' vide proceedings dated 20.09.2011, despite their names being added after three years from the fixation of seniority, in violation of Rule 35(f) of the Tamil Nadu State and Subordinate Service Rules.

5. The petitioner made a representation dated 23.03.2011 and also in the month of June 2014, objecting to the unlawful inclusion of juniors in promotional

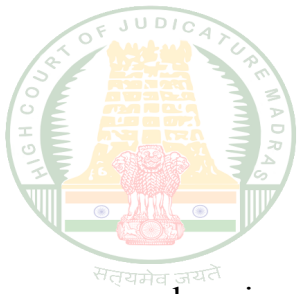


W.P.(MD)No.17268 of 2025

panels, but no action was taken. The petitioner has credible information that certain officials manipulated records in the R Section to unlawfully include the names of the juniors without proper approval, prompting the petitioner to seek information through RTI. Even for the recent panel of Personal Assistant, no objections were called for and the respondent has failed to follow due process. The petitioner has been making continuous representations since 2019, with the latest being on 03.11.2022, which remains still pending. The petitioner apprehends that the seniority panel drawn on 05.06.2025 will be affected adversely unless his representation is considered and disposed of in accordance with the rules. Therefore, the petitioner is constrained to approach this Court seeking a direction to consider his pending representation and to fix the inter se seniority as per Rule 5(b) of the Tamil Nadu Ministerial Service Rules, by taking into account his objections and the relevant statutory provisions.

6. Heard both sides.

7. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of



W.P.(MD)No.17268 of 2025

keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

8. In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation dated 30.10.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of one month from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondent to consider the same on its own merits.

9. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No

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W.P.(MD)No.17268 of 2025

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W.P.(MD)No.17268 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD)No.17268 of 2025

26.06.2025