



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-06-2026

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.No.1984 of 2023 and
C.M.P.No.16804 of 2023

1.The Secretary to the Government
Commercial Taxes and Registration
Department, Secretariat, Chennai.

2.The Inspector General of Registration
Santhome, Chennai.

... Appellants

-VS-

K.Panchabakesan

..Respondent

Prayer: To set aside the order dated 16.03.2022 made in W.P.No.8973 of 2011 and allow this WA.

For Appellants: Dr.R.Gouri, Govt. Counsel

For Respondent: Mr.Shiek Tanveer
For Mr.S.Sivakumar

J U D G M E N T

(Judgment of the Court was delivered by S.M.Subramaniam J.)

Writ Order dated 16.03.2022 in W.P.No.8973 of 2011 is under challenge in the present writ appeal. State preferred the appeal mainly on the ground that the order of Writ Court impugned is running



counter to Special Rules issued for permanently absorbing Government employees, who were initially appointed as temporary Junior Assistants, Typists and Steno-Typists.

2. It is not in dispute between parties that writ petitioner was initially appointed as Junior Assistant on temporary basis through District Employment Exchange. Government took a policy decision to absorb all temporary employees as permanent Government Servants. Consequently, **G.O.Ms.No.996 Personnel and Administrative Reforms Department dated 22.09.1984** was issued. Accordingly, writ petitioner was also absorbed on permanent basis and inducted initially in Health Department and thereafter posted to Registration Department. Regarding seniority of temporary employees absorbed as permanent Government Servants, Government issued Special Rules vide **G.O.Ms.No.548 Personnel and Administrative Reforms Department dated 19.06.1987**. Thus, Special Rules shall apply to candidates appointed through special absorption Rules issued in 1984. Therefore, The said Rules will prevail over in the matter of fixation of seniority and connected matters. Rule 10 of Special Rules provides seniority, which reads as under:

“10. Seniority: The seniority of a candidate appointed through special absorption in 1984, shall be fixed with reference to the date of first temporary appointment in the



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departmental unit in which he had been absorbed irrespective of whether he had been subsequently discharged for want of vacancies or appointed again through the Employment exchange in that departmental unit, and not with reference to the date of first appointment in any other departmental unit where he had acted previously before his absorption in the particular departmental unit. He shall be ranked below the candidates selected by the Tamil Nadu Public Service Commission on the results of the competitive examination held in November 1983 irrespective of the date of appointment of these candidates. If more than one candidate is appointed on the same day, their seniority shall be fixed with reference to the age laid down in sub rule (a) of rule 35 of the General rules. The rule of reservation (General rule 22) shall not apply to these candidates:

Provided that if any persons appointed to the post of Junior Assistant/Typist/Steno-typist in accordance with the Special rules, the seniority of such person shall be placed above the candidates appointed through special absorption in 1984.

Provided also that if any of the persons appointed to the posts of Junior Assistants/Typist/Steno-typist in accordance with the special absorption rules, 1987 and whose services were regularized in one department on 25.6.84 and re-allotted to a new department of want of vacancy through the Tamil Nadu Public Service Commission shall take this seniority in the new department from the date of his temporary appointment in the department from which he was re-allotted.”

3. Learned Government Counsel for the appellants would submit that the order of writ Court is not in consonance with the Special Rules, since a direction was issued to reckon the seniority of the 1st respondent from the date of initial appointment as temporary Junior



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Assistant, which would cause prejudice to all other employees, who were appointed as temporary employees and absorbed as permanent Government servants. The order of Writ Court would unsettle the seniority amongst these group of people, who were absorbed based on **G.O.Ms.No.996 Personnel and Administrative Reforms Department dated 22.09.1984.**

4. This Court is of the considered view that seniority is to be fixed in respect of these employees, by following **G.O.Ms.No.548 Personnel and Administrative Reforms Department dated 19.06.1987**, since Rule 10 contemplates fixation of seniority and the said Rule alone is to be followed for fixation of seniority of the 1st respondent herein. Though Writ Court has considered this aspect, direction was issued to the Government to fix the seniority of the 1st respondent from the date of initial temporary appointment, which in the opinion of this Court is not in accordance with Special Rules applicable to the post. Thus, this Court is inclined to interfere with the order of Writ Court.

5. Accordingly, the present Writ Appeal is allowed. The order of Writ Court dated 16.03.2022 passed in W.P.No.8973 of 2011 is set aside. However, seniority of the 1st respondent is directed to be fixed in accordance with Rule 10 of Tamil Nadu Special Absorption Rules, which



was issued vide **G.O.Ms.No.548 Personnel and Administrative Reforms Department dated 19.06.1987**. No costs. Consequently, connected Miscellaneous Petition is closed.

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(S.M.S.,J.) (N.S.,J.)
17-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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S.M.SUBRAMANIAM,J.
AND
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