



## **ABSTRACT**

Public Services – Special Qualifying Examination conducted by Tamil Nadu Public Service Commission in 1995 for temporary Government Servants in common categories of Junior Assistants / Typists and Steno-typists – Writ Petitions filed by unqualified candidates who are still continuing in service based on interim orders passed by High Court, Madras – Orders of High Court, Madras for regularisation of their services – Implementation of Court orders – Orders - Issued.

### **PERSONNEL AND ADMINISTRATIVE REFORMS (P) DEPARTMENT**

G.O.Ms.No.124

Dated : 12.09.2009

Read:

ஆவணி 26, திருவள்ளூர் ஆண்டு 2040.

1. GO.Ms.No.433, Personnel and Administrative Reforms (P) Department, dated 14.12.1993.
2. GO.Ms.No.71, Personnel and Administrative Reforms (P) Department, dated 07.04.2000.
3. Orders of State Administrative Tribunal dated 11.07.2002 in O.A.Nos.423 to 427/1997 and 1112/1997.
4. Orders of High Court, Madras dated 28.01.2008, in WP.No.15135/2008.
5. Orders of High Court, Madras dated 31.03.2008 in WP.No.27193/2006.
6. Orders of High Court, Madras, dated 10.06.2008 in WP.Nos.15177/2001, 6331/04, 6332/2004, 6333/2004, 6334/2004, 6335/2004, 6336/2004, 23887/2004, 12031/2004 and 30832/2006.
7. Orders of High Court, Madras dated 25.08.2008 in WP.No.18339/2008.
8. Orders of High Court, Madras dated 19.01.2009 in WP.No.23195/2008.

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#### **ORDER:-**

In the Government Order 1<sup>st</sup> read above, orders were issued for conducting a Special Qualifying Examination for all the temporary Junior Assistants / Typists and

Steno-typists who were recruited through Employment Exchanges to the posts which are under the purview of Tamil Nadu Public Service Commission since 1986 and subsequently ousted from service and those who were appointed on or before 15.05.1991 and continued in service irrespective of the length of service put in by them. Accordingly, a Special Qualifying Examination was conducted by the Tamil Nadu Public Service Commission in the year 1995. In the Government Order 2<sup>nd</sup> read above, orders were issued framing Special Rules for those qualified in the above mentioned Special Qualifying Examination conducted by the Tamil Nadu Public Service Commission in 1995. Consequently, the services of all the temporary Junior Assistants / Typists and Steno-typists who were qualified in the above examination were regularised.

2. In the meantime, some of the temporary Junior Assistants / Typists and Steno-typists who were not qualified in the above said Special Qualifying Examination filed original applications in the Tamil Nadu Administrative Tribunal and subsequently Writ Petitions in the High Court, Madras and obtained interim orders from the Hon'ble court and are continuing in service till date. In the orders of Tamil Nadu Administrative Tribunal 3<sup>rd</sup> read above, the Hon'ble Tribunal have directed that the 'service of the petitioners shall be regularised with effect from the date of their initial appointment and that they will be eligible for service benefits only'. Moreover, in the order of High Court, Madras 6<sup>th</sup> read above, the Hon'ble Court have observed as follows:-

"In the light of the above legal pronouncements and also in view of the policy decision taken by the State in GO.Ms.No.22, Personnel and Administrative Reforms Department, dated 28.02.2006, and considering the fact that the State itself had implemented the earlier orders of the Tribunal in identical situations and also the fact that under Rule 48, they have necessary power to grant relaxation and further the fact that the individuals have entered service on being sponsored by Employment Exchange and have put in more than two decades of service, we feel that it is a fit case that the order of the Tribunal challenged in WP.No.6331 to 6336 of 2004 must be affirmed though not for the reasons indicated therein. Accordingly, WP.Nos.6331 to 6336 of 2004 will stand dismissed. The other writ petitions being WP.No.15177 of 2001 and WP.Nos.12031 and 23887 of 2004 will stand allowed. The State Government is directed to implement the order of the Tribunal within a period of eight weeks from the date of receipt of a copy of this order. However, there will be no order as to costs. Connected Miscellaneous Petitions are closed".

3. In all the other orders of High Court, Madras 4<sup>th</sup> to 8<sup>th</sup> read above, the High Court, Madras have passed orders in favour of the applicants directing the respondents to regularise the services of the temporary Junior Assistants / Typists and Steno-typists as the case may be from the date of their initial appointment.

4. The Government after detailed examination, have decided to implement the orders of the High Court, Madras referred to at 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> read above in the connected Writ Petitions. Government accordingly, direct the respondents (viz.) the Secretaries to Government of the Departments of Secretariat / Heads of Department / District Collectors as the case may be to implement the orders of High Court (i.e) to

regularise the services of Typists / Steno-typists / Junior Assistants who were appointed temporarily and who had failed in the Special Qualifying Examination conducted for them in the year 1995 from the date of their initial appointment with service benefits only.

5. The Government also direct that the services of similarly placed temporary Typist / Steno-typists / Junior Assistant who have failed in the Special Qualifying Examination 1995 and who have obtained orders favourable to them from the High Court of Madras shall also be regularised by the authorities concerned with effect from the date of their initial appointment with service benefits only.

(BY ORDER OF THE GOVERNOR)

K.N.VENKATARAMANAN  
SECRETARY TO GOVERNMENT

To

All Secretaries to Government, Chennai-9.  
All Departments of Secretariat, Chennai-9.  
The Tamil Nadu Legislative Assembly, Secretariat, Chennai-9.  
All Heads of Department.  
All Collectors and District Judges / Chief Judicial Magistrates.  
The Personnel and Administrative Reforms Department,  
Chennai-9 (All Sections).  
The Secretary, Tamil Nadu Public Service Commission,  
Chennai-2. (with covering letter)  
The Commissioner of Technical Education, Chennai-25.  
The Registrar, High Court, Chennai-104. (with covering letter)  
The Government Pleader, High Court, Chennai-104.  
The Accountant General, Chennai-18.  
The Commissioner of Treasuries and Accounts, Chennai-15.  
The Director of Employment and Training, Chennai-32.  
The Pay and Accounts Officer (North), Chennai-79.  
The Pay and Accounts Officer (South), Chennai-35.  
The Pay and Accounts Officer (East), Chennai-05.  
The Pay and Accounts Officer (Secretariat), Chennai-9.  
All Treasury Officers.  
The Chief Minister's Office, Chennai-9.

Copy to:

The Personnel and Administrative Reforms (S) / (B) / (AR.II)  
Department, Chennai-9.  
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//Forwarded By Order//

*K.N. Venkataramanan*  
15/09/09  
SECTION OFFICER  
*15-09-09*