

**PROCEEDINGS OF THE PRINCIPAL DISTRICT JUDGE, THANJAVUR**

Present:- Thiru. V. SIVAGNANAM, L.L.M.,

Principal District Judge, Thanjavur.

\*\*\*\*\*

**Sub:** Public Services – TNJMS - Thiru. R. Dinesh Prabu, S/o Late Tmt. M. Geetha, formerly Assistant, District Munsif Court, Thiruvaiyaru – Appointed temporarily as Junior Assistant on compassionate grounds in the Additional Sub Court, Kumbakonam – Proposal forwarded to the Government for regularization of service – Orders and guidelines issued by the Government – G.O. Communicated – Proposal returned – Service regularized – Promoted as Assistant before completion of probation – Clarification sought for in respect of R. Dinesh Prabu & four others – Instructions solicited by the Hon'ble High Court, Madras – Perused - Declared to have satisfactorily completed the period of Probation and declared as Approved Probationers – Orders issued.

- Ref:**
- 1) Letter in D. No.3744/2018, dated 30.07.2018 of this Court submitted to the Hon'ble High Court, Madras.
  - 2) Letter in ROC. No.3536/2014/C4, dated 26.09.2018 of the Hon'ble High Court, Madras.
  - 3) This Court's order on office note dated 28.09.2018.

**Order in A.No.208/2018/A1/Dated 28.09.2018**

The following staff namely 1) Thiru. R. Dinesh Prabu, was appointed as Junior Assistant on compassionate grounds vide proceedings of this Court in A.No.184/2013, dated 01.10.2013 and the said individual joined service on 04.10.2013 F.N. The service of the said individual was regularized with effect from 04.10.2013 F.N. vide this Court's proceedings in Order A.No.25/2017/A1, dated 01.03.2017, but promoted as Assistant vide proceedings of this Court in A.No.328/2015/A1, dated 01.07.2015 i.e., before completion of 2 years probation period of service (04.10.2015).

2) Tmt. N. Kiruthika was appointed as Typist through TNPSC vide proceedings of this Court in A.No.26/2016/A1, dated 24.02.2016 and the said individual joined service on 02.03.2016 F.N. The service of the said individual was regularized with effect from 02.03.2016 F.N. vide this court's proceedings in Order A.N.o.86/2017/A1 dated 19.05.2017. She was promoted as Assistant vide proceedings in A. No.84/2017/A1 dated 19.05.2017 i.e. before completion of 2 years probation period of service (02.03.2018).



3) Tmt. A. Latha, Assistant, was appointed as Typist through TNPSC, vide proceedings of this Court in A. No.26/2016/A1 dated 24.02.2016 and the said individual joined service on 02.03.2016 F.N. The service of the said individual was regularized with effect from 02.03.2016 F.N. by proceedings in Order A. No.86/2017/A1, dated 19.05.2017. She was promoted as Assistant vide this Court's proceedings in A. No.84/2017/A1 dated 19.05.2017 i.e. before completion of 2 years probation period of service (02.03.2018).

4) Tmt. R.K.Mangayarkarasi, was appointed as Typist through TNPSC, vide proceedings of this Court in Order A.No.26/2016/A1, dated 24.02.2016 and the said individual joined service on 02.03.2016 F.N. The service of the said individual was regularized with effect from 02.03.2016 F.N. by proceedings in Order A. No.86/2017/A1, dated 19.05.2017. She was promoted as Assistant vide proceedings in A.No.104/2017/A1, dated 31.05.2017 i.e., before completion of 2 years probation period of service (02.03.2018).

5) Thiru. K. Arunagiri, was appointed as Night Watchman through employment, vide proceedings of this court in A. No.230/2013/A1, dated 31.01.2014 and the said individual joined service on 05.02.2014 F.N. The service of the said individual was regularized with effect from 05.02.2014 F.N. vide proceedings in Order A. No.114/2015/A1, dated 11.03.2015. He was promoted as Office Assistant vide proceedings in A. No.29/2015/A1, dated 20.01.2015 i.e., before completion of 1 year probation period of service (05.02.2015).

In this connection, instruction was solicited from the Hon'ble High Court, Madras, vide this Court letter in the reference 1<sup>st</sup> cited, and the Hon'ble High Court, Madras, has directed that the issue relating to promotion to staff before completion of probation shall be dealt with by the Appointing Authorities themselves by strictly adhering to the prevailing Rules and Government Orders, vide reference 2<sup>nd</sup> cited.

In this connection, Rule 9(a) of Tamil Nadu Judicial Ministerial Service Rules, deals with Probationer and Approved Probationer which reads as follows,

**Right of Appointment:** A vacancy in any class or category of the service shall not be filled by the appointment of a person who has not yet commenced his probation



therein when an approved probationer or a probationer therein is available for such appointment."

Though, section 41(1) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, prevents the promotion of a government servant, unless he has satisfactorily completed his probation in that category, the special rule as mentioned above has categorically stated that promotion shall not be given to the government servant whose probation period has not been commenced and there should not be any approved probationer / probationer.

Here, the above said individuals were appointed on the dates mentioned above respectively and their probation period has commenced with their date of appointment to the service and the same ought to have been completed on or after 2 years from the date of appointment. Further, their service were also been regularized with effect from their date of appointment as per proceedings of this court cited above against their names. Further, the individuals mentioned in Sl. No.1 to 4 have passed all the department tests prescribed for the post of Assistant and in respect of Sl. No.5, he has qualified with educational qualification prescribed for the post of Office Assistant. It is evident that at the time of considering their names for promotion, no fully eligible approved probationer / probationers are available. Therefore, their names were considered and they were promoted as detailed above.

In order to streamline the procedure for the probationer under Rule 27 of Tamil Nadu Judicial Ministerial Service, considering the fact that no eligible approved probationer / probationer is available at the time of considering the names of the individuals referred above, under rule 27(a) of Tamil Nadu Judicial Ministerial Service Rules, it is ordered that the following individuals in Sl. No.1 to 4 have satisfactorily completed their period of probation of two years within the continuous period of three years and in respect of the individual in Sl. No. 5 has satisfactorily completed his period of probation of one year within the continuous period of two years on the dates note against them in Col.No. 5 of the table and they are declared as approved probationers w.e.f. the dates noted against each of them in Col.No.6 of the following table.



Sl. No	Name of the Staff with designation and mode of appointment Thiru/Tmt.	Present working station	Date of his/her regularization in their respective posts.	Date of completion of his/her probation period.	Date of Approved probationer
(1)	(2)	(3)	(4)	(5)	(6)
1.	R. Dinesh Prabu, Junior Assistant, (Compassionate Grounds)	Assistant, Administrative Wing, Principal District Court, Thanjavur.	04.10.2013	03.10.2015 A.N.	04.10.2015 F.N.
2.	N. Kiruthika, Typist, (TNPSC)	Assistant, Principal District Court, Thanjavur.	02.03.2016	01.03.2018 A.N.	02.03.2018 F.N.
3.	A. Latha, Typist, (TNPSC)	Assistant, District Munsif Court, Pattukkottai.	02.03.2016	01.03.2018 A.N.	02.03.2018 F.N.
4.	R. K. Mangayarkarasi, Typist, (TNPSC)	Assistant, Chief Judicial Magistrate Court, Thanjavur at Kumbakonam.	02.03.2016	01.03.2018 A.N.	02.03.2018 F.N.
5.	K. Arunagiri, Night Watchman, (Employment exchange)	Office Assistant, Principal District Court, Thanjavur	05.02.2014	04.02.2015 A.N.	05.02.2015 F.N.

The Judicial Officers concerned of this district are required to make necessary entries in the service register of the individuals referred above.

order in A-No. 208/2018/A1 dt 28-9-18.

copy communicated to Tmt. N. Kiruthika, Assistant of this Court.

Sd/-.....,  
Principal District Judge,  
Thanjavur.

/True Copy/

Chief Administrative Officer,  
Principal District Court,  
Thanjavur.

Chief Administrative Officer,  
Principal District Court,  
Thanjavur.

To: The individuals (through proper channel)

Copy to

- 1) The Chief Judicial Magistrate, Thanjavur at Kumbakonam,
- 2) The District Munsif, Pattukkottai.
- 3) The Sherishtadar (Admin Wing) / Head Clerk of this Court.