

W.P.(MD)No.8263 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.04.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.P.(MD)No.8263 of 2021
and
W.M.P.(MD)Nos.6245 and 6246 of 2021**

P.Jeyanthi

... Petitioner

Vs.

The Sessions Judge,
Fast Track Mahila Court,
Srivilliputhur,
Virudhunagar District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the respondent dated 31.08.2020 and the consequent order in order No.4 dated 23.09.2020 and quash the same and direct the respondent to refund the amount already recovered from the petitioner's salary from September 2020 onwards.



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WEB COPY For Petitioner : Mr.R.V.Rajkumar

For Respondent : Mr.N.Tamilmani

ORDER

(Order of the Court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The writ petitioner joined Judicial Ministerial Service as Steno-Typist Grade III on 01.07.2009. She was granted selection grade on 01.07.2019. The writ petitioner had originally joined in the District Munsif Court, Coimbatore. Based on her request, she was transferred to Virudhunagar District in the year 2015. The petitioner had passed Accounts Test for Subordinate Officers Part – I in the year 2011 itself. Hence, she was given one increment on 30.05.2011. By the impugned order dated 31.08.2020, the respondent refixed the writ petitioner's pay and also ordered recovery. According to the respondent, grant of one increment to the writ petitioner consequent on her passing Accounts Test for Subordinate Officers Part – I was incorrect. Challenging the same, this writ petition has been filed.

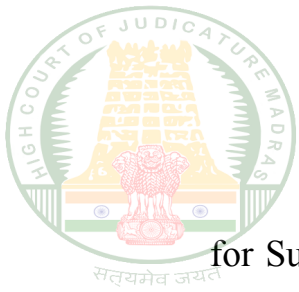


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3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4.The respondent has filed a detailed counter affidavit and the learned standing counsel took us through its contents. The respondent pointed out that the Government of Tamil Nadu vide letter dated 02.05.2000 had clarified that a Steno-Typist Grade III will not be eligible for sanction of advance increment on passing the Accounts Test for Subordinate Officers Part – I. This was because they will not be eligible for promotion to the post of Assistant with effect from 01.08.1992. To the same effect, G.O.(Ms)No.34, Personnel and Administrative Reforms Department dated 21.02.2001 was also issued by the Government. That apart, the learned standing counsel relied on a government letter dated 24.05.2001 in which also, it has been stated that those Steno-Typist Grade-III who had opted to continue in the very same grade will not be entitled for any advance increment for having passed the Accounts Test



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for Subordinate Officers Part – I. Relying on the Government Order and the Government Letters, the learned standing counsel submitted that the impugned order deserves to be sustained.

5. We carefully considered the rival contentions and went through the materials on record. Fundamental Rules 31-A(4) reads as follows:-

“31-A. Subject to the provisions of Rule 26 (c) and 35, a probationer and an approved probationer in any service on duty shall draw pay as follows:—

(4) Where the Account Test for Subordinate Officers, Part-I is not prescribed as a condition of probation, but is required to be passed either for continuance in that post or for promotion to a higher post, the advance increment should be allowed from the day following the last day of the test irrespective of whether the test is passed within or after the period of probation.”

In other words, when a person passes Accounts Test for Subordinate Officers Part – I, he or she will not be entitled to advance increment if passing the said test has been prescribed as a condition of probation. But if passing the said test is required for promotion to a higher post, than advanced increment has to be allowed. The question that calls for

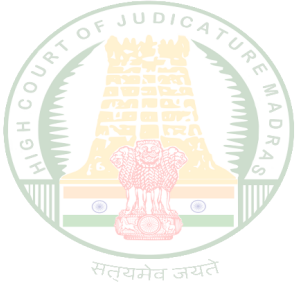


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consideration is whether the post of Assistant can be considered as a promotional post for the post of Steno-Typist Grade III.

6.It is seen that Steno-Typist Grade III falls under the category of Class-IV Category 5 in Tamil Nadu Judicial Ministerial Service. The post of Assistant falls under Class-IV Category 4. In Rule 2(12) of the Tamil Nadu Judicial Ministerial Service Rules, the expression “promotion” has been defined as the appointment of a member of any class, category or grade of the service to a higher class, category or grade of the service. Thus, appointment of person in category 5 to a post in category 4 would constitute as promotion. Therefore, the post of Assistant has to be considered as a promotional post for the post of Steno-Typist Grade III. We are therefore satisfied that by applying application of Fundamental Rules 31-A(4), the petitioner was rightly granted one advance increment.

6.Reliance of the learned standing counsel on the Government Letter dated 24.05.2001 is also inapposite. Paragraph 4 of the said letter reads as follows:-



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“4.இந்த ஆணையையொட்டி சுருக்கெழுத்துத் தட்டச்சர் பணி ஏற்ற நிலையிலேயே தொடர்ந்து பணியாற்ற விருப்பம் தெரிவித்த பணியாளர்களுக்கு மட்டும் 1.8.92 முதல் சார்நிலை அலுவலர்களுக்கான கணக்கு தேர்வு பாகம்-1ல் தேர்ச்சி பெற்றமைக்காக வழங்கிய முன் ஊதிய உயர்வு பெற வேண்டும் என்று அறிவுறுத்தப்படுகிறது. மற்ற பணியாளர்களுக்கு இவ்ஊதிய உயர்வினை நிறுத்தம் செய்வதோ அல்லது பெறுவதோ என்ற கேள்வி எழாது.”

7.In the case on hand, the petitioner vide letter dated 10.08.2012 had given her willingness for being promoted to the post of Assistant following her passing the aforesaid test. Hence, the said letter is not applicable to the case on hand. As rightly pointed out by the learned counsel for the petitioner, the government order as well as the clarification issued by the government were only in respect of Tamil Nadu Ministerial Service. The writ petitioner belongs to Judicial Ministerial Service. Therefore, Government Order dated 21.02.2001 as well as the Government Letter dated 02.05.2000 will not have any application to the case on hand.



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8.Rule 22 of the Tamil Nadu Judicial Ministerial Service Rules

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(G.R.S. J.) & (R.P. J.)
27.04.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

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