

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2015

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.35182 of 2015

1.D.Kadirvel
2.P.Rajaratnam
3.S.Sekar
4.R.Natarajan
5.M.Balasubramanian

... Petitioners

Vs.

The Chief Engineer,
Agricultural Engineering Department,
Nandanam, Chennai - 600 035.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the second respondent to consider the claim of the Petitioner's contained in their representation dated 18.05.2015 and 15.06.2015 regarding revision of dates of regularisation and seniority in the post of Assistant Engineer (Agricultural Engineering) in the light of G.O.Ms.No.582 Agriculture (A.A.III) Department dated 09.11.1995 within a time frame.

For Petitioner : Ms.N.Revathi for Mr.M.Ravi

For Respondent : Mr.S.Gunasekar, Government Advocate

O R D E R

By consent, this writ petition is taken up for final disposal.

2. This writ petition is filed for Mandamus, directing the second respondent to consider the claim of the petitioners' representations dated 18.05.2015 and 15.06.2015 for revision of date of regularization and seniority in the post of Assistant Engineer (Agricultural Engineering) in the light of G.O.Ms.No.582, Agriculture (Agricultural Engineering-III) Department dated 09.11.1995.

3. The petitioners would contend that they were appointed as Assistant Soil Conservation Officers on 09.07.1981, 26.06.1981, 09.07.1981, 11.04.1981 and 13.12.1982 respectively and thereafter, they acquired B.E. (Mechanical) Degree qualification through part-time course during the year 1986-87 with due permission from the Department. It is the claim of the petitioners that as per G.O.Ms.No.958, Agriculture (Agricultural Engineering-III) Department, dated 27.12.1990 and the clarification issued in G.O.Ms.No.74, Agriculture

(Agricultural Engineering-III) Department, dated 07.02.1992, the petitioners were appointed as Assistant Engineers on 18.05.1992, 10.07.1992, 19.08.1992, 29.05.1992 and 27.05.1992 respectively. As per amended Special Rules for Tamil Nadu Agricultural Engineering Service, regularization was given retrospective effect from 27.12.1990, under which, the appointment of the petitioners as Assistant Engineer in the year 1992 is perfectly in accordance with the statutory Rules. However, in the year 2007, they came to know that their services were regularized only from 1995 instead of 1992 and the temporary appointees in the post of Assistant Engineer, appointed under Rule 10(a)(i) of the Tamil Nadu State and Subordinate Service Rules, have been placed above them in the said list.

4. It is the claim of the petitioners that though they have submitted their representations dated 05.07.2007, 15.06.2007, 14.06.2007, 26.09.2007, 15.06.2007, 18.05.2015 and 15.06.2015, which were not considered by the respondents. Hence, the petitioners came forward to file this writ petition.

5. Heard the submissions of Ms.N.Revathi for Mr.M.Ravi, learned counsel appearing for the petitioners and Mr.S.Gunasekar, learned Government Advocate, who accepts notice on behalf of the respondent.

6. This Court, taking into consideration the limited scope of prayer sought for by the petitioners and without going into the merits of the same, directs the respondent to consider and dispose of the petitioners' representations dated 18.05.2015 and 15.06.2015 on merits and in accordance with law and pass orders within a period of twelve weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

vsm

To

The Chief Engineer,
Agricultural Engineering Department,
Nandanam, Chennai - 600 035.

Sub Asst. Registrar

+1 cc to Mr.N.Ravi, Advocate, sr.59966

+1 cc to The Government Pleader, sr.60088

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