

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.12805 of 2016

Engineering Graduates Association  
Tamil Nadu Agricultural Engineering Department  
rep.by its General Secretary  
487, Anna Salai, Nandanam,  
Chennai-35

... Petitioner

-vs-

1. The Government of Tamil Nadu  
represented by its Secretary  
Agriculture Department  
Chennai-9

2. The Chief Engineer  
Agricultural Engineering Department  
487, Anna Salai  
Nandanam  
Chennai-35

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of prohibition, prohibiting the respondents from promoting any Junior Engineer as Assistant Executive Engineer earlier to the Assistant Engineers who joined the service earlier to the said Junior Engineer before implementing the judgment of this Hon'ble Court dated 05.03.2015 passed in W.P.No.23996 of 2007.

For Petitioner ::Mr.N.Subramaniam

For Respondents::Mr.A.Kumar  
Special Government Pleader

ORDER

When the writ petition was taken up, the learned counsel for the petitioner, bringing to the notice of this Court the order passed by this Court in Writ Petition No.23996 of 2007 dated 5.3.2015, more particularly, in paragraph-21, submitted that when this Court has clearly held that the approach adopted by the respondents in fixing the seniority of the contesting respondents therein above the petitioners therein was wrong,

without re-fixing the seniority of the aggrieved persons like the members of the petitioner Association in the appropriate place in tune with the direction issued by this Court in the aforesaid order, the respondents should not be allowed to proceed further.

2. Mr.A.Kumar, learned Special Government Pleader takes notice on behalf of the respondents.

3. Admittedly, in respect of the issue raised by the petitioner, this Court has already allowed the Writ Petition No.23996 of 2007 filed by some of the members of the petitioner Association by its order dated 5.3.2015, holding as follows:-

"21. In my considered view, the impugned orders fixing the seniority of the contesting respondents above the petitioners by such erroneous interpretation of Rule 6(A) and the consequent promotion given to the respondents 4 to 18 are arbitrary, biased, lacking in bonafide and non application of mind and are legally unsustainable and stand quashed. The petitioners by virtue of regularisation as Assistant Engineers from 1990 and also by reason of their fixation of seniority below lastly selected candidate of the year 1984 batch by TNPSC is entitled to have the seniority above the respondents with other monetary and service benefits if any and the relief sought for in W.P.No.23996 of 2007 is granted as prayed for."

When the observation of this Court in paragraph-21 extracted above clearly spells out what is to be done by the respondents, the same deserves to be implemented in letter and spirit. Therefore, the respondents are directed to scrupulously follow the aforesaid direction in letter and spirit. With this direction, the writ petition stands disposed of. Consequently, W.M.P.No.11199 of 2016 is closed. No costs.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,  
Agriculture Department,  
Fort St.George,  
Chennai 600 009.

2. The Chief Engineer,  
Agricultural Engineering Department,  
487, Anna Salai,  
Nandanam,  
Chennai-35.

+1cc to the Government Pleader Sr.21719

+ 1 cc to Mr.N.Subramaniyan, Advocate Sr 22925 (15/4/16)

W.P.No.12805 of 2016

rv(CO)  
srg(12/04/2016)



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