

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4179 of 2018

1. T.Durairaj
2. D.Manickavasagam
3. A.Sivaprakash
4. N.Arivalagan
5. T.Saravanaperumal
6. T.Baskaran
7. P.David Sundar Singh
8. M.Vallatharasan
9. A.Vijayan
- 10.R.Rajavel
- 11.C.Rajesh

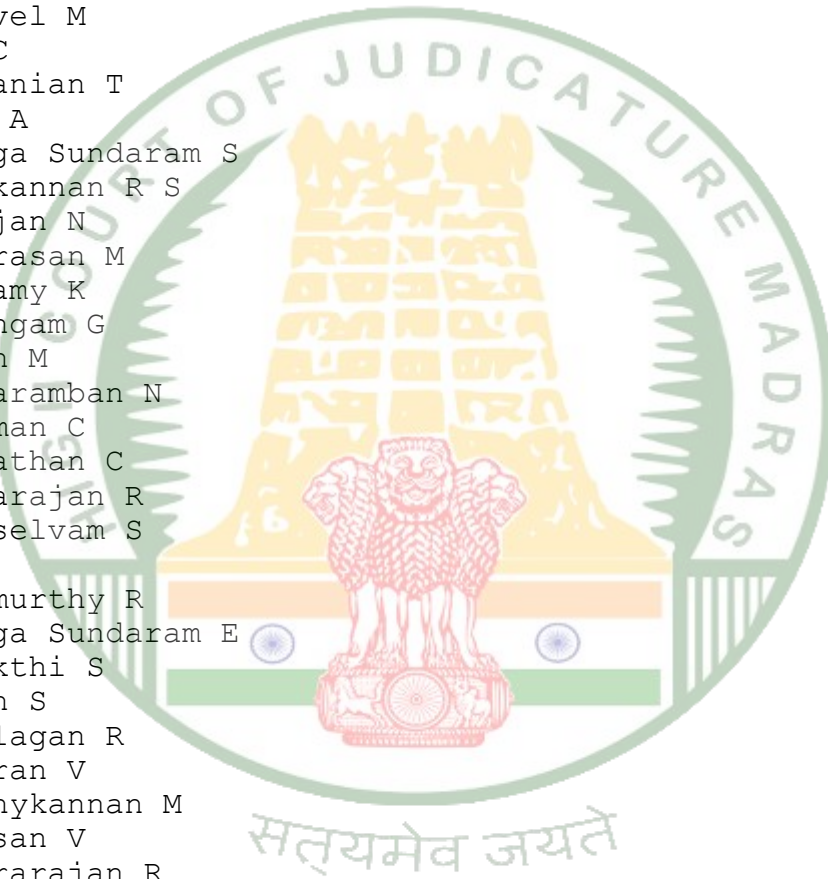
... Petitioners

1. The Government of Tamil Nadu
Rep by its Secretary
Agriculture Department
Chennai-9
2. The Chief Engineer
Agricultural Engineering Department
487, Anna Salai
Nandanam
Chennai-35
3. The Tamil Nadu Public Service Commission
rep. by its Secretary
TNPSC Road, V.O.C.Nagar
Park Town, Chennai-600 003

4. Balsubramanian.M
5. Natarajan.R
6. Pandian V
7. Manoharan S
8. Govindarajan J
9. Madhanagopal S
10. Sankarasekar E
11. Perumalsamy V
12. Ganesan R
13. Selvakumar V
14. Krishnakumar S
15. Ramanathan N

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16. Chandrasekaran S
17. Nirmala N
18. Suganthi K
19. Murugen R
20. Ravikrishnan I
21. Jayakumar R
22. Selvakumar G
23. Kalyanasundaram K
24. Bhoominathan G
25. Nedumaran R
26. Manivannan.N
27. Singaravel R
28. Thangavel M
29. Sekar C
30. Subramanian T
31. Samuel A
32. Shanmuga Sundaram S
33. Kaviyakannan R S
34. Natarajan N
35. Illavarasan M
36. Kandasamy K
37. Ramalingam G
38. Ganesan M
39. Imayavaramban N
40. Jayaraman C
41. Swaminathan C
42. Varadharajan R
43. Pannerselvam S
44. Pari G
45. Sathyamurthy R
46. Shanmuga Sundaram E
47. Navasakthi S
48. Murugan S
49. Tamilalagan R
50. Rajendran V
51. Boopathykannan M
52. Murugesan V
53. Soundararajan R
54. Kalliappan N
55. Semarajan S
56. Chandrasekaran N R
57. Sevval N
58. Velumani B
59. Kanchivanam M K
60. Murugan G
61. Alagarsamy V
62. Gunasekarapandian S
63. Muthirulandi M
64. Jayaraj P
65. Natarajan P



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66. Manivasagam R
67. Natarajan P
68. Radhakrishnan S
69. Kumar R
70. Rajaram R
71. Vetrivel A
72. Dhanapal S
73. Ramesh K
74. Murugesan P
75. Sivakumar N
76. Chandrasekar M
77. Sunil K
78. Devarajan M
79. Mohideen Abdul Kader K
80. Ajmal Khan Y
81. Kalaiselvan R
82. Chellakrishnan S
83. Ravichandran R
84. Kumar N
85. Lakshmikanthan N
86. Ravichandran V
87. Muthuramalingam K
88. Thangam M
89. Balamurali A
90. Varghesejothiraj S
91. Keshvamurthy A
92. Mani S
93. Subramanian S R
94. Lenin Muthu Olivu M
95. Chockalingam A
96. Jayprakash L
97. Jeyaram N
98. Anantharaman G
99. Rajendran S
100. Karthikeyan T

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Declaration, declaring that the appointments of the private respondents 4 to 100 as Assistant Engineers by recruitment by transfer made in excess of the 9% quota earmarked under the Special Rules to Tamil Nadu Agricultural Engineering Service for such appointment to the category of Assistant Engineer is illegal, non-est and void ab initio and consequently direct the respondents 1 and 3 to revert the private respondents 4 to 100 who are found appointed in excess of the said 9% quota till this date from the category of Assistant Engineers to their original post and further to direct the respondents 1 and 2 to report the vacancies illegally being occupied by such excess appointees to the third respondent to notify the same for direct recruitment.

For Petitioners :: Mr.N.Subramaniyan

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader
for R1 & 2

ORDER

The petitioners were appointed in the year 1997 and the learned counsel for the petitioners also submitted that fortunately, the petitioners were given the benefit of regularisation by order dated 26.5.2012. Apprehending that the private respondents, who were appointed in the year 1996 prior to their appointment, would be placed above them in the seniority, have filed this writ petition.

2. When this Court was not inclined to entertain the writ petition finding that the services of the petitioners, though were appointed subsequent to the 1996 appointees, were all regularised by order dated 26.5.2012, therefore, in service law, they will be placed above the 1996 appointees, who are yet to be regularised in service, the learned counsel for the petitioners sought to withdraw this writ petition with liberty to agitate the matter, if still the seniority is wrongly fixed. On a mere apprehension no writ petition can be filed. Accordingly, accepting his request, this writ petition is dismissed as withdrawn with the aforesaid liberty. Consequently, W.M.P.Nos.5125 & 5126 of 2018 are also dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

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सत्यमेव जयते
Sub Assistant Registrar

ss

To

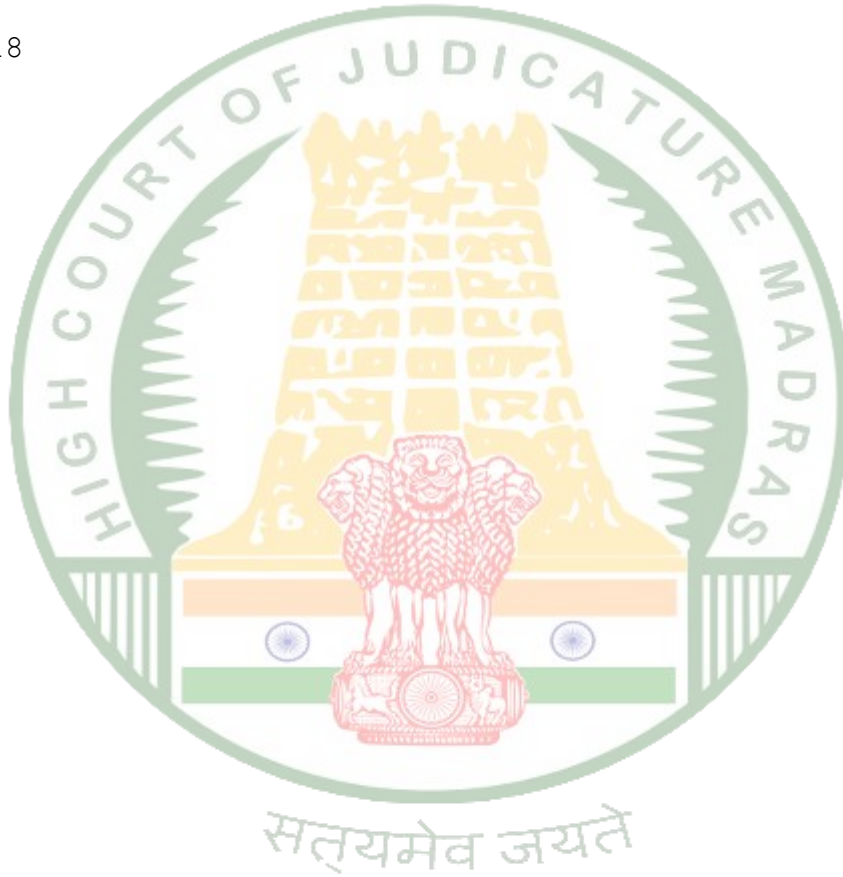
1. The Secretary to Government
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Chennai 600 009
2. The Chief Engineer
Agricultural Engineering Department
487, Anna Salai
Nandanam
Chennai 600 035

3. The Secretary
Tamil Nadu Public Service Commission
TNPSC Road, V.O.C.Nagar
Park Town
Chennai 600 003

+1cc to Mr.N.Subramaniyan, Advocate, S.R.No.14392
+1cc to the Government Pleader, S.R.No.15922

W.P.No.4179 of 2018

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cs/22/03/18



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