

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 25-07-2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8835 OF 2013

R.Anbalagan

Petitioner

-vs-

1.The Government of Tamil Nadu,
rep.by Secretary to Government,
Agriculture Department,
Secretariat,
Fort St.George,
Chennai-600 009.

2.The Chief Engineer (Agrl.Engg.),
328, Anna Salai,
Nandanam,
Chennai-600 035.

Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of declaration, declaring Rule 6 (B) and its proviso as inserted by the Government Order in G.O.Ms.No.281, dated 14.07.1997, and also the amendment to the above said proviso by G.O.Ms.No.26, dated 29.01.2002, in the Special Rules for the Tamil Nadu Agricultural Engineering Service and all proceedings so far made in pursuance of Rule 6 (B) and its proviso as ultra vires of the Constitution as they are against the equality code contained in Articles 14,15 and 16 of the Constitution of India.

For petitioner : Mr.R.Rajendran

For respondent 1 : Mr.P.S.Sivashanmuga Sundaram,
Spl.Govt.Pleader.

O R D E R
(Order of the Court was made by Huluvadi G.Ramesh,J.)

Heard the learned counsel for the parties for quite some time on the point of fixation of inter se seniority.

2. The amendment to Rule 6 (B) of the Special Rules for the Tamil Nadu Agricultural Engineering Service was brought with retrospective effect i.e., from the date of temporary appointment in respect of Assistant Executive Engineers in Agriculture Department of the respondents to fix inter se seniority for promotion to the posts of Executive Engineers, which, according to the learned counsel for the petitioner is against service jurisprudence. According to him, the inter se seniority has to be fixed from the date of approval/selection made by the Tamil Nadu Public Service Commission instead of the date of temporary appointment.

3. It is relevant to note that after a lapse of more than 11 years i.e., in the year 2013, the petitioner, having retired from service, sought to fix inter se seniority as on date instead of with retrospective effect. It is also to be noted that at the relevant point of time, he did not choose to challenge the amendment much less any irregularity. The petitioner has sought for the prayer with much delay and laches, which, in the considered opinion of this Court, cannot be countenanced at this distant point of time, that is after a gap of sixteen years. However, in this regard, the petitioner appears to have submitted a representation to the first respondent-Government, seeking to fix inter se seniority on the basis of the year of selection by the Tamil Nadu Public Service Commission, and the said representation, according to the petitioner, is still pending. If there is any irregularity or discrimination in the case of the petitioner, the same can be considered and the representation of the petitioner be replied suitably by the first respondent either by granting the relief or by dismissing the claim with appropriate reasons within a period of three months from the date of receipt of a copy of this order. It is also open to the petitioner to submit the representation to the first respondent afresh, if need be.

4. With the above direction and observation, this Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dixit

To

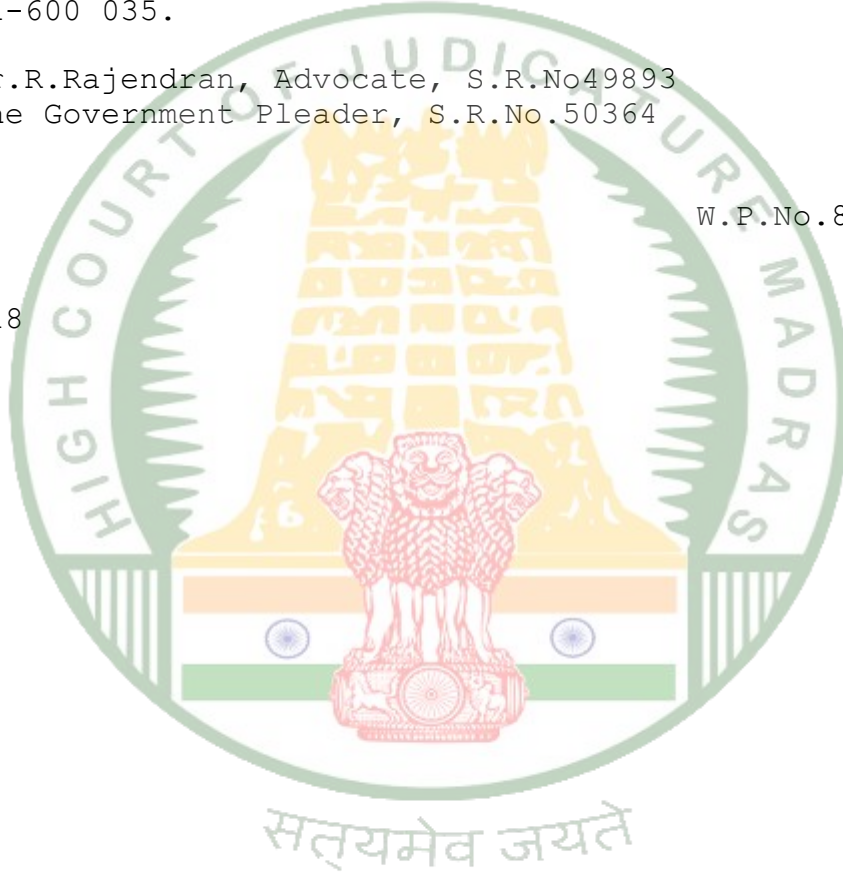
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Secretariat,
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2.The Chief Engineer (Agrl.Engg.),
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+1cc to Mr.R.Rajendran, Advocate, S.R.No49893
+1cc to the Government Pleader, S.R.No.50364

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KK(CO)
CS/31/08/18



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