

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2018

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.25133 of 2008

1. P.Senthilkumar
2. K.Tamilselvan
3. A.Govindaraj
4. A.Pushanathan
5. S.Prabhakaran

...Petitioners

Vs.

1. State of Tamilnadu
Rep.by its Secretary to Government
Highways and Minor Ports Department
Fort St.George, Chennai - 9.

2. The Chief Engineer
Highways and Rural Services
Nagapattinam Division
Nagapattinam.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the proceedings of the 1st respondent in G.O.Ms.No.193 Highways and Minor Ports (HK3) dated 01.08.2008 and quash the same as illegal.

For Petitioners : Mr.C.J.Paval Nirmalan
For Mr.R.Sureshkumar

For Respondents : Mrs.Thangavadhana Balakrishnan
Additional Government Pleader

O R D E R

This Writ Petition has been filed to call for the records relating to the proceedings of the 1st respondent in G.O.Ms.No.193 Highways and Minor Ports (HK3) dated 01.08.2008 and to quash the same as illegal.

2. The petitioners were appointed as Road Workers by the 2nd respondent on 15.05.1999, pursuant to a public notification dated 20.08.1997 under open competition, and the education qualification prescribed then as per the Special Rules for the Tamil Nadu Highways Engineering Subordinate (Work charged)

Service, is only 5th standard to 10th standard. After completion of the probation period, the petitioners' services were regularized and they were put on permanent scale.

3. As per the service conditions, those who have completed 5 years of service as Road Workers, are eligible to be promoted as Second Grade Road Inspectors. Thereby, the petitioners herein, were fully qualified to be promoted as Second Grade Road Inspectors, as they were appointed and regularized with effect from 15.05.1999. But, to their shock and surprise, an amendment was sought in the recruitment rules, wherein, the basic education qualification was made as "must have passed 10th standard from a recognized school".

4. The petitioners would contend that as per the old rule, they were all qualified for the said promotion, but, the respondents herein, failing to adopt the amended rules for the new recruitments, had sought to implement the same in respect of the existing employees who have been working for the past one decade. Hence, the petitioners, challenging the same, had filed this Writ Petition to quash the order dated 01.08.2008 passed by the 1st respondent.

5. The learned Additional Government Pleader for the respondents has produced the proceedings of the Joint Director, Highways Department dated 27.04.2015, wherein, it could be seen that the petitioners 1, 4 and 5 herein, have already been promoted as Assistant Draftsman from 27.04.2015 as per Section 10(a)(i) and have joined the duty in the said post, and the other two petitioners, namely, K.Tamilselvan and A.Govindaraj are in the promotion panel dated 01.07.2018, hence, they will also be promoted shortly when future vacancies arise.

6. Based on the above proceedings and promotion panel dated 01.07.2018, produced by the learned Additional Government Pleader, the Writ Petition is disposed of. In case, if the petitioners 2 and 3 are not accommodated in the future vacancies as per promotion panel dated 01.07.2018, they are at liberty to challenge the same. No costs

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

raja

To

1. The Secretary to Government
State of Tamilnadu
Highways and Minor Ports Department
Fort St.George, Chennai - 9.
2. The Chief Engineer
Highways and Rural Services
Nagapattinam Division
Nagapattinam.

W.P.No.25133 of 2008

NRL (CO)

rrs 01/11/2018



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