



W.P.(MD) Nos.15273 to 15277/2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.08.2019
CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

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W.P. (MD) .Nos.15273, 15274, 15275, 15276 & 15277 of 2013
and
M.P (MD) Nos.1,1,1,1 & 1 of 2013

Jegadeesan ... Petitioner in W.P(MD)No.15273 of 2013
Velmurugan ... Petitioner in WP(MD). 15274/ 2013
Uthayan ... Petitioner in WP(MD). 15275/ 2013
Paneerselvam ... Petitioner in WP(MD). 15276/ 2013
Murugan ... Petitioner in WP(MD). 15277/ 2013

-vs-

The Chief Engineer,
Agricultural Engineering Department,
No.487, Anna Salai,
Nandanam,
Chennai-35.

... Respondent in all WP's

Common Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to fix the seniority among the re-designated Assistant Engineers and direct recruitment in the light of G.O.Ms.No.431, Agriculture (AA-3) Department dated 22.10.1996.

For Petitioner : Mr.V.P.Rajan in all WP's
For Respondent : Mr.K.Mu.Muthu,
Additional Government Pleader in all WP's

C O M M O N O R D E R

The relief sought for in these writ petitions is for a direction to direct the respondent to fix the seniority among the re-designated Assistant Engineers and direct recruitment in the light of G.O.Ms.No.431 Agriculture (AA-3) Department, dated 22.10.1996.



2. The writ petitioners were appointed as Assistant Soil Conservation Officers. The petitioners have completed bachelor degree in Engineer. They are fully qualified for promotion to the Post of Junior Engineer and Assistant Engineer. The grievances of the writ petitioners are that the respondents are making an attempt to refix the seniority of the writ petitioners in respect of the redesignated Assistant Engineers. The writ petitioners have filed these petitions with an apprehension that their seniority may be altered by the respondent. However, the counter affidavit filed by the Chief Engineer, Agricultural Engineering Department reveals that all the writ petitioners were initially appointed as Assistant Soil Conservation Officers and upgraded as Junior Engineers (Agricultural Engineering) in November 2007 and subsequently, re-designated as Assistant Engineer on acquiring B.E., degree through part time on 03.12.2007, 21.11.2007, 19.11.2007, 19.11.2007 and 7.11.2008 respectively. It is further contended that the services of the writ petitioners were regularised in the year 2012 in vide G.O.Ms.No.94, Agriculture (AA3) Department, dated 26.05.2012. In Paragraph-10 of the counter affidavit states that the writ petitioners have filed these writ petitions on assumption that the petitioners, who were re-designated as Assistant Engineers (Agricultural Engineering) in the year 2007, will be placed below the Assistant Engineers (Agricultural Engineering) whose services were regularized in the year 2012. Such a presumption of the writ petitioners is not necessary since the Assistant Engineers (Agricultural Engineering) who were regularized in the year 2012 vide G.O.Ms.No.94, Agriculture (AA3) Department, dated 26.05.2012 will be placed only in the year 2012 for seniority purposes.

3. The respondents themselves clarified that the seniority of the writ petitioners will be fixed with reference to their date of regularisation, which was done by the Government in Vide G.O.Ms.No.94, dated 26.05.2012. Even as per the rules, the fixation of seniority is to be considered with reference to the date of regularisation in the particular post.

4. This being the factum, the apprehension raised by the writ petitioners in these writ petitions is clarified by the respondents by stating that the seniority of the writ petitioners would be fixed with reference to their date of regularisation, which was issued by the Government Order in G.O.Ms.No.94, dated 26.05.2012. In view of the fact that the cause raised by the writ petitioners are now clarified in the counter affidavit, no further adjudication is required and the respondents are directed to fix the seniority of the writ petitioners as per the rules in force by taking into consideration their respective date of regularisation in the particular post.



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5. Accordingly, all the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar(CS-III)

Sub Assistant Registrar

To

The Chief Engineer,
Agricultural Engineering Department,
No.487, Anna Salai,
Nandanam,
Chennai-35.

+1 CC to M/s.SPL GP (SR-84002[F] dated 28/08/2019)

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27.08.2019

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JM/17.09.2019/3P/3C