



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P[MD]No.21060 of 2019

R.Vaithianathan

... Petitioner

Vs.

1.The Agricultural Production Commissioner and
Principal Secretary to Government,
Secretariat,
Fort St. George,
Chennai - 600 009.

2.The Chief Engineer,
Agricultural Engineering Department,
No.487, Anna Salai,
Nandanam,
Chennai - 600 035.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to include the petitioner's name in the 1997 Batch of Assistant Engineer and thereby promote the petitioner to the post of Assistant Executive Engineer in the light of G.O. (Nilai) No.94, Agricultural (AA3) Department dated 26.05.2012 based on his representation dated 06.08.2019 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.D.Selvavinayagam

For Respondents : Mr.C.Ramar,

Additional Government Pleader

O R D E R

This Writ Petition is filed for a direction to the second respondent to include the petitioner's name in the 1997 Batch of Assistant Engineer and thereby promote the petitioner to the post of Assistant Executive Engineer in the light of G.O.(Nilai) No.94, Agricultural (AA3) Department, dated 26.05.2012, based on his representation dated 06.08.2019.

2.Heard Mr.D.Selvanayagam, learned Counsel appearing for the



petitioner and Mr.C.Ramar, learned Additional Government Pleader appearing for the respondents.

3. According to the petitioner, he completed B.E., (Agricultural Engineering). He was appointed as Technical Assistant on NMR basis in the respondent department on 16.08.1990, through employment exchange. The petitioner and others filed O.A.No.1652 of 1993, before the Tamil Nadu Administrative Tribunal for regularisation of their services. The Tribunal, by order dated 09.11.1993, directed the respondents to consider their case. The respondents without considering the case of the petitioner and others appointed the persons in regular vacancies as Assistant Engineer under Rule 10(a)(i)(1) of the Tamil Nadu State and Subordinate Service Rules, vide G.O.(Ms)No.417, Agricultural (AAIII) Department, dated 06.10.1997.

4. The petitioner gave representation to the respondent and filed writ petition in W.P.[MD]No.11394 of 2006 for regularisation of his services in the post of Assistant Engineer (Agricultural Engineering) from the date of his initial appointment ie., 06.10.1997 and to pay the attendant and service benefits. While the writ petition was pending, the respondents have represented that they will regularise the services of the petitioner and others. Based on which, the writ petition was disposed off by order dated 02.02.2012. The respondent by order dated 26.05.2012, regularised the services of the petitioner and others as Assistant Engineer with effect from the date of initial appointment ie., 06.10.1997. The monetary benefits were given, but the respondents have not fixed the seniority with effect from 06.10.1997 and have not given promotion to the petitioner. Hence, the petitioner has made representation on 06.08.2019 to the second respondent and filed the present writ petition.

5. Mr.C.Ramar, learned Additional Government Pleader submitted that the petitioner and others were regularised by G.O.(Nilai) No.94, Agricultural (AA3) Department dated 26.05.2012 and monetary benefits were given from the date of the said Government Order ie., 26.05.2012. He further submitted that the petitioner has approached this Court belatedly.

6. From the materials on record, it is seen that the petitioner is seeking fixation of seniority in the post of Assistant Engineer, from 06.10.1997 and promotion to the post of Assistant Executive Engineer, based on G.O.(Nilai) No.94, Agricultural (AA3) Department dated 26.05.2012, by considering his representation dated 06.08.2019. The petitioner was regularised by G.O.94, dated 26.05.2012. The petitioner has given representation on 06.08.2019, to fix the seniority from 06.10.1997 and for promotion as Assistant Executive Engineer based on the regularisation of his service with effect from 06.10.1997. Due to the delay, the petitioner is not



7.The Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

MR

To

1.The Agricultural Production Commissioner and
Principal Secretary to Government,
Secretariat,
Fort St. George,
Chennai - 600 009.

2.The Chief Engineer,
Agricultural Engineering Department,
No.487, Anna Salai,
Nandanam,
Chennai - 600 035.

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-91859[F] dated 15/10/2019)

+1 CC to M/s.SPL GP (SR-92104[F] dated 16/10/2019)

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