



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.42372 of 2006

1.N.Selvaraj

2.T.Chandrasekaran

3.M.Pachaiyappan

4.V.K.Prabhakaran

5.M.Manoharan

6.C.Narasimaraju

...Petitioners

Vs.

1.The Chief Engineer,
Highways and Rural Works Department (General),
Chepauk, Chennai - 600 005.

2.CMAA, Guperan

3.V.Ravindrababu

4.S.Vaitheesvaran

5.S.Shanmuga Kumar

6.G.Sivakumar

7.T.Bothi

8.P.R.Jayaraj

9.D.Anusuya

10.P.Bangajavalli

11.S.Parthiban

12.S.R.Lakshmipathi

13.N.Neelakandan

14.R.Jayamohan

15.P.S.Vasu

16.S.Sivagami

17.R.Venkatesan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari to set aside the impugned seniority list in Memo No.44053/NI/1/99-1 dated 30.07.1999 and consequential panel in Proc. No.1911/Con.I/98-11 dated.11.10.1999 and promotion order in



Poc.No.18735 /N1.1/99-4 dated 15.10.1999 insofar as it related to the respondents 2 to 16.

For Petitioners : Mr.V.S.Jagadeesan

For Respondents : Mr.C.Selvaraj,
Government Advocate for R1

No Appearance
for 2,3,78,9,10,11,12,13 & 17
R4 to 6 & 14& 15 Dismissed.

O R D E R

The six petitioners before me were appointed as Junior Draughting Officer in the Highways and Rural Works Department with effect from 01.08.1978. The seniority of the Draughting Officers was being maintained by R1 on the basis of 'One unit' system as the proposed method of promotion. However, notwithstanding the aforesaid consistent methodology, in 1987, a temporary combined seniority list was issued, as per which the petitioners were ranked at 123, 195, 415, 128, 125 & 156 respectively. On 01.08.1999, the seniority came to be revised to 712, 817, 1073, 748, 704 and 760 respectively. Aggrieved by this, in the year 1999, the petitioners filed applications seeking re-fixation of seniority before the Tamil Nadu Administrative Tribunal (Tribunal) which came to be transferred to the file of this Court in 2006 with the abolition of the Tribunal.

2. The matter was listed in 2010 when a learned Single Judge of this Court noted that though private notice had already been ordered, proof of service was not yet filed. Thus, there has been substantial delay on the part of the learned counsel for the petitioners to complete service upon all the respondents. Those respondents upon whom service has been effected, entered appearance and had been requesting time to file their counters. This went on till 2012.

3. When last listed on 06.02.2012, a learned Single Judge had once again directed fresh notice upon the respondents, adjourning the matter to await completion of service. After a long hiatus between 2014 and 2021, the matter was listed on 18.06.2021 when it was continuously adjourned, mostly at the request of the learned counsel for the petitioner. This was the position on 11.08.2021 as well.

4. Finally today, the matter is heard on merits when no legal lacunae is established as far as the process of fixation of seniority is concerned. The only case putforth by the



learned counsel for the petitioner is that the shifting over of the system from unit-wise seniority to single unit basis has prejudiced the petitioners as may be seen from their positions in the seniority list indicated in the preceding paragraphs.

5. That may be so. However the basis of fixation of seniority falls within the realm of policy of the State and the single unit system that had come to be applied as early as in 1999, is said to be in vogue even today. The petitioners themselves have been beneficiaries under various promotional avenues under the single unit policy from 1999. As a policy that has stood the test of time and is well entrenched in the working of the concerned Department, I am not inclined at this juncture, after 22 years, to unsettle it.

6. This writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-IX)

// True Copy //

Sub Assistant Registrar

rkp

To

The Chief Engineer,
Highways and Rural Works Department (General),
Chepauk, Chennai - 600 005.

W.P. No.42372 of 2006

PVS(CO)
B.VC (28/09/2021)