



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD)No.8859 of 2021

C.Vijaya Regu

... Petitioner

vs.

1.The Additional Chief Secretary to the Government,
Highways and Minor Ports (HK2) Department,
Fort St. George,
Chennai - 9.

2.The Director General,
Highways Department,
Chennai - 25.

... Respondents

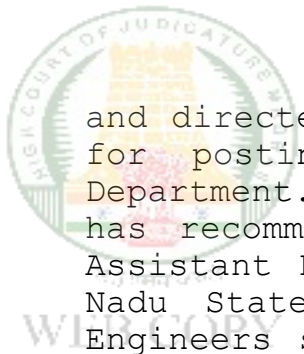
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to fix the seniority of the petitioner in the post of Assistant Engineer in accordance with the Government Order in G.O.Ms.No.83, Highways and Minor Ports (HK2) Department, dated 11.10.2017 issued by the first respondent with all consequential benefits within the time stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents	: Mr.P.Subbaraj
	Government Advocate

ORDER

The petitioner has filed the present Writ Petition, to direct the second respondent to fix the seniority of the petitioner in the post of Assistant Engineer, in accordance with the Government Order in G.O.Ms.No.83, Highways and Minor Ports (HK2) Department, dated 11.10.2017, issued by the first respondent.

2.According to the petitioner, he was initially recruited by the Tamil Nadu State Construction Corporation Limited as Site Engineer Grade-I and joined duty on 01.07.1992. The Corporation has become sick and the petitioner and 23 others were deputed to the Rural Development and Panchayat Raj Department. From that date, the petitioner and 23 others worked as Assistant Engineers in the Rural Development and Panchayat Raj Department. During the year 2007, when 223 candidates were selected and appointed as Assistant Engineers in the Rural Development and Panchayat Raj Department, the Department proposed to revert the petitioner and 23 others, who were on deputation, deputed to Highways Department. The Government issued G.O.Ms.No.314, Highways (HK2) Department, dated 29.12.2007 and appointed the petitioner and 23 others as Assistant Engineers in Highways Department on deputation basis for a period of three years



and directed the Chief Engineer (General) to issue necessary orders for posting them in the existing vacancies of the Highways Department. The second respondent, by proceedings, dated 11.07.2011, has recommended to the first respondent to fix the seniority of Assistant Engineers absorbed in Highways Department from the Tamil Nadu State Construction Corporation Limited below the Assistant Engineers selected by the Tamil Nadu Service Commission during the year 2006-07 and appointed on 07.12.2007. The first respondent, considering the recommendations and orders passed by this Court in W.P.Nos.938 and 939 of 2017, dated 11.01.2017, issued G.O.Ms.No.83, Highways and Minor Ports (HK2) Department, dated 11.10.2017 and to absorb the petitioner and 23 Assistant Engineers permanently from the date of their joining in the Highways Department ie., on 01.01.2008. The second respondent did not fix the seniority of the petitioner and 23 others in the seniority list of Assistant Engineers in the Highways Department. The petitioner gave a representation, dated 15.07.2020, requesting the second respondent to fix his seniority in accordance with G.O.Ms.No.83, Highways and Minor Ports (HK2) Department, dated 11.10.2017. The same was not considered. Hence, the petitioner has come out with the present Writ Petition.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the entire materials available on record.

4.From the materials available on record, it is seen that the petitioner and 23 others were recruited by the Tamil Nadu State Transport Corporation Limited as Site Engineer Grade-I in the year 1992. Subsequently, they were deputed to Rural Development and Panchayat Raj Department, where they worked for 10 years and again, they were deputed to Highways Department in the year 2008. Based on the recommendation of the second respondent and orders of this Court in W.P.Nos.938 and 939 of 2017, dated 11.01.2017, the first respondent issued G.O.Ms.No.83, Highways and Minor Ports (HK2) Department, dated 11.10.2017, absorbing the petitioner and 23 others in the Highways Department with effect from 01.01.2008 and directed them to place the petitioner and 23 others below the Assistant Engineers selected during the year 2006-07. The grievance of the petitioner is that inspite of G.O.Ms.No.83, Highways and Minor Ports (HK2) Department, dated 11.10.2017, issued by the first respondent, the second respondent has not fixed the seniority of the petitioner. A reading of the said G.O reveals that the petitioner and 23 others were absorbed in Highways Department with effect from 01.01.2008 and they were placed below the Assistant Engineers selected during the year 2006-07.

5.Considering the above facts, the respondents are directed to consider the representation of the petitioner, dated 15.07.2020 and pass orders, taking into consideration G.O.Ms.No.83, Highways and Minor Ports (HK2) Department, dated 11.10.2017, for fixing the seniority of the petitioner, within a period of four weeks from the



date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of.
No costs.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

ps

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Additional Chief Secretary to the Government,
Highways and Minor Ports (HK2) Department,
Fort St. George,
Chennai - 9.

2. The Director General,
Highways Department,
Chennai - 25.

+1 CC to M/s.SPL GP (SR-20022[F] dated 23/06/2021)

+1 CC to M/s.T.LAJAPATHYROY, Advocate (SR-20080[F] dated 24/06/2021)

W. P (MD) No. 8859 of 2021

22.06.2021

CN (29.06.2021) 3P 5C