



WEB COPY

W.P. (MD) .Nos.13716, 13717 and 13718 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD) .Nos.13716, 13717 and 13718 of 2013
and

W.M.P. (MD) .Nos.1, 2 and 3 of 2013 in 13716 of 2013
and 1, 2 and 3 of 2013 in 13717 of 2013
and 1,2 and 3 of 2013 in 13718 of 2013

W.P. (MD) .Nos.13716 of 2013

M.Mathavan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Rural Development and Panchayat Raj,
Fort St.George,
Chennai - 600 009.

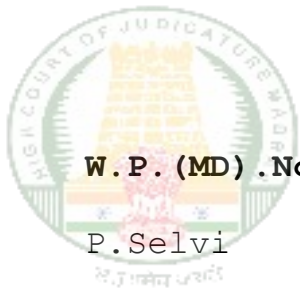
2.The Commissioner/Director,
Rural Development and Panchayat Raj,
Chennai - 600 015.

3.The District Collector,
Karur District,
Karur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the impugned Government Order in G.O.Ms.No.295 Rural Development (E 1) Department, dated 14.12.2001 in respect of Rule 5-A of the Special Rules for Tamil Nadu Panchayat Development Engineering Subordinate Service Rules and thereon the impugned seniority list in the cadre of Overseer/Junior Draughting Officer drawn by the second respondent vide his impugned proceedings in RC.No.33624/12/EE3 dated 19.07.2013 and quash the both as arbitrary and illegal and consequently direct the respondents to redraw the seniority list in the cadre of Overseer/ Junior Draughting Officer with B.E., (Civil) Degree by including the petitioner's name in the appropriate place within the time limit that may be stipulated by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>



W.P. (MD) .Nos.13717 of 2013

P.Selvi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Rural Development and Panchayat Raj,
Fort St.George,
Chennai - 600 009.

2.The Commissioner/Director,
Rural Development and Panchayat Raj,
Chennai - 600 015.

3.The District Collector,
Karur District,
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... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the impugned Government Order in G.O.Ms.No.295 Rural Development (E 1) Department, dated 14.12.2001 in respect of Rule 5-A of the Special Rules for Tamil Nadu Panchayat Development Engineering Subordinate Service Rules and thereon the impugned seniority list in the cadre of Overseer/Junior Draughting Officer drawn by the second respondent vide his impugned proceedings in RC.No.33624/12/EE3 dated 19.07.2013 and quash the both as arbitrary and illegal and consequently direct the respondents to redraw the seniority list in the cadre of Overseer/ Junior Draughting Officer with B.E., (Civil) Degree by including the petitioner's name in the appropriate place within the time limit that may be stipulated by this Court.

W.P. (MD) .Nos.13718 of 2013

N.Jaya Sudha

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Rural Development and Panchayat Raj,
Fort St.George,
Chennai - 600 009.

2.The Commissioner/Director,
Rural Development and Panchayat Raj,
Chennai - 600 015.



3.The District Collector,
Karur District,
Karur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the impugned Government Order in G.O.Ms.No.295 Rural Development (E 1) Department, dated 14.12.2001 in respect of Rule 5-A of the Special Rules for Tamil Nadu Panchayat Development Engineering Subordinate Service Rules and thereon the impugned seniority list in the cadre of Overseer/Junior Draughting Officer drawn by the second respondent vide his impugned proceedings in RC.No.33624/12/EE3 dated 19.07.2013 and quash the both as arbitrary and illegal and consequently direct the respondents to redraw the seniority list in the cadre of Overseer/ Junior Draughting Officer with B.E., (Civil) Degree by including the petitioner's name in the appropriate place within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.P.Thambidurai,
Government Advocate (Civil Side).

(In all Writ Petitions)

COMMON ORDER

The petitioners are seeking to quash the Government Order in G.O.Ms.No.295 Rural Development (E 1) Department, dated 14.12.2001 in respect of Rule 5-A of the Special Rules for Tamil Nadu Panchayat Development Engineering Subordinate Service Rules and thereon the impugned seniority list in the cadre of Overseer / Junior Draughting Officer drawn by the second respondent vide his impugned proceedings in RC. No. 33624/12/EE3 dated 19.07.2013 and a consequential prayer to redraw the seniority list in the cadre of Overseer/ Junior Draughting Officer with B.E., (Civil) Degree by including the petitioner's name in the appropriate place.

2. The contention of the petitioners are that the amendment Rule 5-A of the Special Rules for Tamil Nadu Panchayat Development Engineering Subordinate Service Rules was brought in the year 2001 which is creating an anomaly among the cadres.

3. The respondents have filed a counter stating that under G.O.Ms.No.19 Rural Development and Panchayat Raj (E3) Department dated 24.02.2014, an amendment was brought in Rule 5-A. Thereafter revised seniority list was communicated by the Director of Rural Development and Panchayat Raj in his proceedings dated 24.02.2014. The seniority list of Oversees / Junior Draughting Officers as on



01.01.2012 was communicated in accordance with rules and regulations. Therefore, the respondents prayed to pass appropriate orders.

4. When the matter was taken up for hearing, the respondents are directed to produce G.O.Ms.No.19 and on perusal of G.O.Ms.No.19, Rural Development and Panchayat Raj (E3) Department, dated 24.02.2014, it is stated as under:

**Rural Development and Panchayat Raj (E3) Department
G.O.Ms.No.19**

Dated: 24.02.2014.

Read:

- 1.G.O.(Ms).No.15, Rural Development (E1) Department, dated 25.01.2000.
- 2.G.O.(Ms).No.295, Rural Development (E1) Department, dated 14.12.2001.
- 3.From the Director of Rural Development and Panchayat Raj letter Rc.No.33624/12/EE3 dated 10.12.2013.

ORDER

In the Government order first read above, among others adhoc rules for the post of Assistant Engineer (RD) has been issued.

2. In the Government order second read above, the rule 5(A) has been inserted in the following manner for the post of Assistant Engineer in the Tamil Nadu Panchayat Development Engineering Service Rules.

"5-A. The approved list of candidates for appointment by recruitment by transfer shall be prepared with reference to the seniority of the candidates, based on the date of passing the B.E degree in Civil Engineering or a pass in Sections A and B Examinations (AMIE), conducted by the Institution of Engineers (India)".

3. The Director of Rural Development and Panchayat Raj in his letter third read above has stated that while preparing the panel for the post of Assistant Engineer for the year 2012, provisional seniority list of B.E. degree holders for the purpose of Assistant Engineer Promotion has been prepared as per the rule 5A of G.O. (Ms) No.295, Rural Development (E1) Department, dated 14.12.2001 based on the date of passing B E. (Civil) by the individuals. Certain anomalies have been noticed in respect of Overseers/ JDOs who have higher service qualification and they have been placed below the juniors with lesser service qualification only due to the fact that they have acquired degree qualification after the juniors. Hence he



has sent a proposal for amendment to Rule 5-A of Tamil Nadu Panchayat Development Engineering Service Rules issued in G.O. (Ms) No.295 Rural Development (E1) Department, dated 14.12.2001

4. The Government have examine the proposal of Director of Rural Development and Panchayat Raj and have decided to amend the Rule 5(A) of Tamil Nadu Panchayat Development Engineering Service Rules in respect of the post of Assistant Engineer. Accordingly, the following amendment is issued to the Tamil Nadu Panchaye Development Engineering Service Ruins issued in G.O.(Ms).No.295, Rural Development Department, dated 14.12.2001.

Existing Provision	Proposed Amendment
Rule 5-A:- "The approved list of candidates for appointment by recruitment by transfer shall be prepared with reference to the seniority of the candidates, based on the date of passing the B.E. Degree in Civil Engineering or a pass in Sections A & B Examination (AMIE) conducted by the Institution of Engineers (India)".	The approved list of candidates who have acquired B.E. Degree in Civil Engineering or passed in sections A & B Examinations (AMIE) conducted by the Institutions of Engineers (India) for appointment by recruitment by transfer shall be prepared with reference to the date of joining as Overseer/JDO in Rural Development Department

5. Necessary notification in the Tamil Nadu Government Gazette regarding the above rules amendment will be issued separately.

(By Order of the Governor)

It is stated as per earlier Rule 5-A, certain anomalies have been noticed in respect of Overseers / JDOs who have higher service qualification and they have been placed below the juniors with lesser service qualification only due to the fact that they have acquired degree qualification after the juniors.

5. The Government have considered the grievances of the petitioners and the similarly placed persons like the petitioners and Rule 5-A dated 14.12.2001 was again amended through the proposed Government Order G.O.Ms.No.19 and approved list will be prepared by taking the date of appointment by recruitment by transfer shall be prepared with respect to joining as Overseers / Junior Draughting Officers in Rural Development and Panchayat Raj Department. The petitioners' grievance are addressed through G.O.Ms.No. 19. The respondents are directed to implement the said G.O.Ms.No.19, Rural Development and Panchayat Raj (E3) Department, dated 24.02.2014 in the case of the petitioners.



6. With this direction, the Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

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 Secretary to Government,
State of Tamil Nadu,
Rural Development and Panchayat Raj,
Fort St.George,
Chennai - 600 009.

2.The Commissioner/Director,
Rural Development and Panchayat Raj,
Chennai - 600 015.

3.The District Collector,
Karur District,
Karur.

+1 CC to M/s.SPL GP (SR-7147[F] dated 18/02/2022)

W.P. (MD) .Nos.13716, 13717 and 13718 of 2013
17.02.2022

RK(28/03/2022) 6P 5C