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W.P.Nos.10541 to 10545 of 2007

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.10541 to 10545 of 2007 and
MP.Nos.1 & 2 of 2007(5 Nos.)

WP.No.10541 of 2007

S.Rajagopalan

... Petitioner

Vs.

1.Secretary to Government for
Public Works Department,
Government of Tamilnadu,
Fort St.George,
Chennai 600 009

2.The Secretary,
Tamilnadu Public Service Commission,
Chennai 600 005

3.Engineer – in – Chief (Water Resources Organisation) and
Chief Engineer Public Works Department (General),
Chepauk,
Chennai 600 005

4.A.Gnanamani
5.G.K.Srinivasa Rajan
6.S.Sigamani
7.T.S.Krishnamurthy
8.G.Mohan
9.P.Arunachalam



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10.S.Subramanian
11.S.Srinivasan
12.S.Jeevaraj
13.S.Kalyanaraman
14.N.Ramakrishnan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order issued by the first respondent (viz) GO.(D).No.90 Public Works (A2) Department dated 27.02.2007 and quash the same as illegal insofar as this petitioner is concerned and consequently direct all the respondents to consider the grievance of the petitioner as per GO.Ms.No.1582 Public Works Department dated 11.09.1985.

For Petitioner
in all WP's : No appearance

For Respondents
in all WP's

For R1 : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

For R2 : Mr.R.Bharanidharan,
Standing Counsel for TNPSC



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For R3 : Mr.Niranjan Rajagopalan
for Mr.G.R.Associates

For R4 to 14 : Mrs.Sudha Ravi

COMMON ORDER

These writ petitions have been filed challenging the Government Order in GO.(D).No.90 Public Works (A2) Department dated 27.02.2007 passed by the first respondent.

2. The petitioners joined in the service of Public Works Department as Irrigation Inspector, Junior Draughting Officer and Technical Assistant respectively and thereafter they were promoted. On further promotion, now they are working as Junior Engineer and Assistant Engineer respectively. As per GO.Ms.No.1582 Public Works Department dated 11.09.1985, the post of Assistant Engineer and also Junior Engineer are the feeder categories to the post of Assistant Executive Engineer. The post of Assistant Executive Engineer are filled from the post of Assistant Engineer / Junior Engineer in the ratio of 3:1, of which every 20 vacancies are filled from the category of Draughtsman / Overseer who are working as Junior Engineer as per amendments made in GO.Ms.No.1582 Public Works Department dated 11.09.1985.



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However, the Government have not implemented the rules as per the said Government order. Therefore, five vacancies of Assistant Executive Engineer were not filled, but reserved to Draughtsman category. As per G.O.(3D) No.28 Public Works(A1) Department dated 22.06.2006, also reserved six vacancies of Assistant Executive Engineer. Therefore, totally 11 numbers of Assistant Executive Engineer vacancies are reserved for Draughtsmen and Overseer categories. This Court by order dated 21.07.2006 in WPMP.No.28763 of 2005 in WP.No.26339 of 2005, directed the first respondent that till the amendment of the Special Rules, whatever the position prior to the year 1986 may be continued, has to be accepted in order to give equitable justice to the petitioners category and accordingly directed the first respondent to consider the petitioner's grievance in the light of the rules prevailing prior to the date of amendment. However, the Government passed order in GO.(D).No.90 Public Works (A2) Department dated 27.02.2007 and approved 11 numbers of Junior Engineers for promotion as Assistant Executive Engineers for the existing 11 reserved vacancies.



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3. Heard, the learned counsel appearing on either side.

4. On perusal of the common counter filed by respondents 1 and 3, revealed that the posts reserved for Head Draughtsman and Draughtsman Grade-I were filled up from among the Junior Engineers of the Tamilnadu Engineering Subordinate Service as per rules and as ordered by this Court. The post of Assistant Executive Engineer has to be filled up from the categories of Assistant Engineer and Junior Engineers and Head Draughtsman and Draughtsman Grade-I. The Junior Engineers appointed from the category of Draughtsman and Overseers grouped under Junior Engineers with seniority number assigned along with the directly recruited Junior Engineers and promotions are ordered from the category of Junior Engineers in accordance with the seniority assigned in the category of Junior Engineer. Therefore, the question of considering a person from the category of Overseer does not arise as per the rules.



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5. The 11 vacancies were reserved for the Head Draughtsman and Draughtsman Grade-I . These vacancies were filled up from among the Junior Engineers of the Tamilnadu Engineering Subordinate Service who were recruited as Junior Engineers by the Tamilnadu Public Service Commission during the year 1982 since no qualified persons from the Draughtsman category is available. The persons appointed as Junior Engineers from the category of Overseer are being considered based on the seniority in the post of Junior Engineer. There is no separate reservation for the Overseers appointed as Junior Engineer either as per the amended GO or as existed before the amendment. Therefore, the question of appointing a person as Assistant Executive Engineer from the category of Overseer does not arise. Hence, temporary appointments made by filling up the 11 posts of Assistant Executive Engineer from among the Junior Engineers of Tamilnadu Engineering Subordinate Services as per GO.(D).No.90 Public Works (A2) Department dated 27.02.2007 is in order and in accordance with the rules.



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6. Therefore, all the writ petitions fail. Accordingly, all the writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1. Secretary to Government for
Public Works Department,
Government of Tamilnadu,
Fort St.George,
Chennai 600 009
2. The Secretary,
Tamilnadu Public Service Commission,
Chennai 600 005
3. Engineer – in – Chief (Water Resources Organisation) and
Chief Engineer Public Works Department (General),
Chepauk,
Chennai 600 005
4. The Government Advocate,
High Court, Madras.

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