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W.P.No.3756 of 2020
& W.M.P.No.4446 of 2020



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.3756 of 2020
& W.M.P.No.4446 of 2020

- 1.S.Maria Rajasekar,
D/o.N.Sebastian,
Assistant Engineer (Electrical) (Kosapet),
Zone 6, Greater Chennai City Corporation,
Ayanavaram, Chennai - 600 023.
- 2.R.Sripriya,
D/o P.Rajan,
Assistant Engineer (Electrical/Agaram),
Zone 6, Greater Chennai City Corporation,
Chennai - 600 082.
- 3.J.Ravi Kumar,
S/o K.Jayaraman,
Assistant Engineer (Electrical),
Zone 7, Greater Chennai City Corporation,
Ambattur, Chennai - 600 053.
- 4.G.Bhaskar,
S/o.S.Gajenderan,
Assistant Engineer (Electrical/Kottivakkam),
Zone 14, Greater Chennai City Corporation,
Perungudi, Chennai - 600 096.
- 5.P.Muthu Bharathi,
D/o P.A.Perumal,



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- Assistant Engineer (Electrical/Perungudi),
Zone 14, Greater Chennai City Corporation,
Perungudi, Chennai - 600 096.
- 6.N.Paarvatheesware,
D/o.N.Nandakumar,
Assistant Engineer (Electrical/Purchase Section),
Electrical Department,
Greater Chennai City Corporation,
Rippon Building, Chennai - 600 003.
- 7.E.Julie Hepzibah,
D/o.M.Jaikar Samuel,
Assistant Engineer (Electrical),
I & C Section, Electrical Department,
Greater Chennai City Corporation,
Rippon Building, Chennai - 600 003.
- 8.K.Uma,
D/o.Kuppusamy Chelliah,
Assistant Engineer (Electrical),
Purchase Section, Electrical Department,
Greater Chennai City Corporation,
Rippon Building, Chennai - 600 003.
- 9.A.M.Raja Amritha,
D/o.Margalingam,
Assistant Engineer (Electrical),
I & C Section, Electrical Department,
Greater Chennai City Corporation,
Rippon Building, Chennai - 600 003.
- 10.S.Saravanan,
S/o.T.Selvaragan,
Assistant Engineer (Electrical),
Zone 1, Thiruvatriur,
Greater Chennai City Corporation,



Chennai - 600 019.

11.M.S.Arugumam,
S/o.M.Selvaraju,
Assistant Engineer (Electrical),
Zone 11, Valasarvakkam,
Greater Chennai City Corporation,
Chennai - 600 087.

12.N.Velmurugan,
S/o.V.Nallathambi,
Assistant Engineer (Electrical),
Zone 8, Greater Chennai City Corporation,
Chennai City.

13.N.Senthil Kumar,
S/o.M.Narayanan,
Assistant Engineer (Electrical),
Zone 11, Valasaravakkam,
Greater Chennai City Corporation,
Chennai City.

14.D.Krishnan,
S/o A.Dakshanamurthy,
Assistant Engineer (Electrical),
Zone 11, Ramapuram,
Greater Chennai City Corporation,
Chennai City.

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Petitioners

versus

1.Principal Secretary to Government,
Municipal Administration and Water Supplies Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner,
Greater Chennai City Corporation,



Rippon Building, Chennai - 600 003.

3.The Assistant Commissioner (GA & P),
General Department,
Greater Chennai City Corporation,
Rippon Building, Chennai - 600 003.

4.M. Naveenkumar,
Assistant Executive Engineer,
Electrical Department,
Head Quarters, Chennai - 600 003.

5.J.Theodar Livingston,
S/o.D.Jesudass,
Assistant Executive Engineer / Electrical (In-Charge),
Zone - VI, Greater Chennai Corporation,
Thiru-Vi-Ka Nagar, Chennai - 600 012.

6.T.Mythilu,
W/o.Boova Raghavan,
Assistant Engineer (Electrical),
Zone -10, Greater Chennai Corporation,
MGR Nagar-Kodambakkam,
Chennai - 600 024.

(R5, R6 Impleaded vide order dated 18.03.2022 made in
W.M.P.No.5711/2022 in W.P.No.3756/2020)

7.A.Sukandi,
D/o.P.R.Anantharaman,
Assistant Engineer,
No.4/218, Ellaiamman Koil Street,
Neelankarai, Chennai- 600 115.

8.C.Prakash,
S/o.V.Chinnachamy,
Assistant Engineer,
No.13/17, Akbar Square,



2nd Street, G.K.M.Colony,
Kolathur, Chennai - 600 099.

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Respondents

(R7 and 8 are impleaded as per order dated 25.04.2023 in W.M.P.5879/2022 in W.P.No.3756/2020)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent herein in his proceedings Po.Thu.Na.Ka.No.E4/26252/2018, Resolution No.722 dated 03.09.2018 and quash the same and the consequential order of the second respondent passed in his proceedings Po.Thu.Na.Ka.No.E4/18831/2018 dated 07.02.2019 and quash the same in so far as the fourth respondent is concerned and consequently direct the respondents herein to re-fix the seniority of the petitioners herein in the cadre of Assistant Engineers (Electrical) in the light of the Division Bench judgment of this Court in W.A.Nos.2610/2019 etc., batch dated 15.11.2019 and effect promotions to the post of Assistant Executive Engineer (Electrical) with all consequential service and monetary benefits.

For Petitioners	:	M/s.G.Bala and Daisy
For Respondent No.1	:	Mr.T.Arunkumar Government Advocate
For Respondent Nos.2 & 3	:	Mrs.Aswini Devi Standing Counsel for Corporation of Chennai
For Respondent Nos.4,7,8	:	Mr.G.Palani
For Respondent Nos.5 & 6	:	Mr.S.Benezir

ORDER

The petitioners had filed this Writ Petition claiming seniority to be fixed on merit and not on the communal basis.



2. Heard M/s.G.Bala and Daisy, learned counsel for the petitioners, Mr.T.Arunkumar, learned Government Advocate for the 1st respondent, Mrs.Aswini Devi, learned Standing Counsel for the respondents 2 and 3, Mr.G.Palani, learned counsel for the respondents 4, 7 and 8, Mr.S.Benezir, learned counsel for the respondents 5 and 6 and perused the materials available on record.

3. When the matter was taken up today, M/s.G.Bala and Daisy, learned counsel for the petitioners submitted that they yet to receive instructions as to the nature of the seniority list i.e. whether it is based on merit or just on the basis of the communal reservation.

4. In this regard, it is relevant to reproduce the counter of the 3rd respondent, wherein it is stated as under:-

“8. It is submitted that the statement of the petitioner, that the 4th respondent is the Junior most is not acceptable, the date on which the 31 direct recruits were appointed, all the appointees had the equal eligibility. They were selected on merits and on priority basis the 4th respondent being the MBC Candidate, was placed in the first position. The 4th respondent is equivalent to



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the petitioners, who cannot be termed as Junior. The Junior had not been placed above the Senior in the Seniority List. The Appointee who was in the Serial No.1 has been placed first in the Seniority List not the Junior as alleged by the petitioner.”

5. If the above submission of the 3rd respondent is correct then the seniority appears to have been kept as such on the basis of communal roster. It is well settled principle that the communal roster has to be adopted for selection and merit has to be adopted for the purpose of seniority, the position on this issue is well settled in the judgment of the Division Bench of this Court in W.P.No.998 of 2017 etc. batch dated 15.11.2019. The S.L.P. filed in S.L.P.No.3102 of 2020 challenging the above order has also been dismissed on 06.07.2020. Hence the 3rd respondent has to refix the seniority only on the basis of the merit in accordance with the dictum laid down by the Division Bench of this Court held in W.P.No.998 of 2017 etc. batch dated 15.11.2019.

6. Mr.G.Palani, learned counsel for the respondents 4, 7 and 8 submitted that even in the year 2013 itself, the seniority has been arrived only on the basis of the merit and it is not on the basis of communal roster.



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7. Since the matter lies in a very narrow compass, it is for the 3rd respondent to look into the way in which the seniority has already been arrived and if the seniority is not in accordance with the merit, it has to be refixed in accordance with the merit and pass appropriate orders.

With the above observation, this Writ Petition is **disposed**. No costs.
Consequently, connected Miscellaneous Petition is closed.

21.12.2023

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To
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- 1.The Principal Secretary to Government,
Municipal Administration and Water Supplies Department,
Fort St. George, Chennai - 600 009.
- 2.The Commissioner,
Greater Chennai City Corporation,
Rippon Building, Chennai - 600 003.
- 3.The Assistant Commissioner (GA & P),
General Department,
Greater Chennai City Corporation,
Rippon Building, Chennai - 600 003.



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R.N.MANJULA, J.

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W.P.No.3756 of 2018
& W.M.P.No.4446 of 2018

