



W.P.No.24626 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2023

CORAM:

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

W.P.No.24626 of 2010

1.S.B.Mathivanan
2.E.Balasubramanian
3.D.Paneerselvam
4.B.Sukumaran
5.R.Selvaraj

... Petitioners

Vs.

1.State of Tamilnadu,
Rep. by its Secretary to Government,
Agricultural Department,
Fort St.George,
Chennai 600 009

2.The Chief Engineer,
Office of the Agricultural Engineering,
487, Anna Salai, Nandanam,
Chennai 600 035

3.Engineering Graduates Association,
Tamilnadu Agricultural Engineering Department
Rep. by its General Secretary,
487, Anna Salai, Nandanam,
Chennai 600 035

4.Engineering Diploma Association,
Agricultural Engineering Department,
(Regn.No.148/10) Rep by its Joint Secretary,



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T.K.Murugesan,
2/109/1, Rasakappatti, Collectorate Post,
Dindigul 624 004

(R3 impleaded as per order dated 27.02.2012 in
MP.No.1 of 2011 in WP.No.24626 of 2010)

(R4 impleaded as per order dated 24.07.2012
in MP.No.1 of 2012 in WP.No.24646 of 2010) ... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of

India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to maintain the ratio of 3:2 between Assistant Engineers and Junior Engineers as per Rule 2 (b) of the Special Rules for the Tamilnadu Agricultural Engineering Service by promoting adequate number of Junior Engineers to ensure that there are at least 68 Assistant Executive Engineers from the category of Junior Engineers in the total sanctioned strength of 170 Assistant Executive Engineers within a time limit to be stipulated by this Court.

For Petitioners : No appearance

For Respondents

For R1 & 2 : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

For R3 : Mr.N.Subramanian

For R4 : No appearance



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ORDER

This writ petition has been filed for direction to the respondents 1 and 2 to maintain the ratio of 3:2 between Assistant Engineers and Junior Engineers as per Rule 2(b) of the Special Rules for the Tamil Nadu Agricultural Engineering Service by promoting adequate number of Junior Engineers.

2. The petitioners are working as Junior Engineers in the Agricultural Engineering Department. It was formed on 01.12.1981 by bifurcating the agricultural wing in the erstwhile Agricultural Department and separate rules were framed by GO.Ms.No.1987 Agricultural dated 28.08.1981. As per these rules, the service consists of the following categories and classes.

A.Selection Categories

Class I – Chief Engineer

Class II – Superintending Engineer

Class III- 1.Executive Engineer

2. Deputy Chief Engineer

B.Ordinary Category

Class IV Assistant Executive Engineer



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Class V Assistant Engineer

3. As per rules, the appointment to the vacancies arising in class IV shall be made by direct recruitment by promotion from among the holders of the post of Assistant Engineer in Class V and by recruitment by transfer from among the holders of the post of Junior Engineer in Tamilnadu Agricultural Subordinate Services in the ratio of 1:3:2 and shall be filled up in the order of rotation i.e. (i) by direct recruitment (ii) by promotion (iii) by recruitment by transfer (iv) by promotion (v) by recruitment by transfer and (vi) by promotion provided that for a period of 8 years on and from 01.01.1981 appointment to vacancies arising in Class IV shall be made only by promotion from among the holders of the posts of Assistant Engineers (Agricultural Engineering) in Class V and by recruitment by transfer from among the holders of the posts of Junior Engineers in the Tamil Nadu Agricultural Subordinate Service in the ratio of 3:3. Therefore, the petitioner made representation seeking direction directing respondents 1 and 2 to maintain the ratio of 3:2 between Assistant Engineers and Junior Engineers as per rule.



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4. In a similar matter already decided by this Court in WP.No.22973 of 2009, it is held that the above ratio rule has to be adopted only for the estimated vacancies but not for the cadre strength in the post of Assistant Engineer and Junior Engineer (Agricultural Engineering) and therefore the contention of the petitioner is not correct. For instance, an estimate of vacancies for appointment by direct recruitment, by promotion as well as by recruitment of transfer to the post of Assistant Executive Engineer (Agricultural Engineering) in class IV of the ordinary category in the Tamilnadu Agricultural Engineering Service for the year 2009-2010 (covering a period of 1 year from 01.04.2009 to 31.03.2010) was furnished to Government and Government have approved the estimate of vacancy for the post of Assistant Executive Engineer (Agricultural Engineering) due to the year 2009-2010. Further, the present ratio as upheld by the Hon'ble Supreme Court of India has to be followed and it is being scrupulously followed.

5. Therefore, the direction sought for in this writ petition



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cannot be considered and the writ petition is liable to be dismissed.

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Accordingly, this writ petition is dismissed. 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,
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2. The Chief Engineer,
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3. General Secretary,
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4. T.K.Murugesan,
Joint Secretary,
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2/109/1, Rasakappatti, Collectorate Post,
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5. The Government Advocate,
High Court, Madras.

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