



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.4179 of 2021 and
W.M.P.Nos.4769, 4770 & 4771 of 2021

1.P.Chandran
2.P.Rajkumar

... Petitioners

Vs.

1.The Principal Secretary to Government,
Department of Highways,
Fort St.George, Secretariat,
Chennai 600 009.
2.The Principal Director,
Highways Department,
(Construction and Maintenance)
Guindy, Chennai 600 025.
3.The Superintending Engineer,
Highways Department,
(Construction and Maintenance)
Salem.
4.The Divisional Engineer,
Highways Department,
(Construction and Maintenance)
Edappady, Salem.
5.The Assistant Divisional Engineer,
Highways Department,
(Construction and Maintenance)
Edappady, Salem.
Respondents

...



WEB COPY

PRAYER: This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in proceedings No.04/U.Po./2020-21 dated 10.02.2021 and Seniority List No.02/U.Po./2020-21 dated 10.02.2021 in respect of the petitioners alone and quash the same and consequently, direct the third respondent to prepare a fresh seniority list on the basis of the date of appointment as per the provisions of Tamil Nadu Government Servants Service Rules with all consequential benefits including promotion etc.

For Petitioners : Mr.K.Sathiyavel

For Respondents : Mr.G.Nanmaran, SGP

ORDER

The petitioners have filed this Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in proceedings No.04/U.Po./2020-21 dated 10.02.2021 and Seniority List No.02/U.Po./2020-21 dated 10.02.2021 in respect of the petitioners alone and quash the same and consequently, direct the third respondent to prepare a fresh seniority list on the basis of the date of appointment as per the provisions of Tamil Nadu Government Servants Service Rules with all consequential benefits including promotion etc.



WEB COPY

2. Heard Mr.K.Sathiyavel, learned counsel for the petitioners and Mr.G.Nanmaran, learned Special Government Pleader for the respondents.

3. The grievance of the petitioners is that while preparing the seniority list, third respondent has taken into consideration of the date of declaration of probation instead of considering the date of appointment as the basis for arriving at the seniority list.

4. The learned counsel for the petitioners submitted that the petitioners joined the service on 29.10.1997 as Gang Mazdoors and their probation has been declared on 16.11.1998.

5. The learned Special Government Pleader for the respondents attracted the attention of this Court to the guidelines issued for preparing seniority list. Since the petitioners are belonging to basic service, they are not entitled to claim the applicability of Rule 35(a) of the Tamil Nadu State and Subordinate Service Rules. The fourth respondent has issued a



WEB COPY

memo to follow the basic service rules by taking into consideration of the date of regularisation for preparing the seniority list. If the date of regularisation is found to be one and the same for more than one persons, the seniority should be fixed as per the date of birth. Even though the petitioners have claimed that their date of appointment is the criteria for fixing their seniority, they have not established under which rule the petitioners claim such a benefit. The petitioners wishes to invoke only Rule 35(a) of the Tamil Nadu State and Subordinate Service Rules, which does not govern the service of the petitioners who have been absorbed into basic service.

6. It is not the grievance of the petitioners that they alone were discriminated while preparing the seniority list by taking their probation instead of date of appointment as the basis for fixing the seniority. A uniform procedure has been adopted as per the guidelines issued by the fourth respondent and the petitioners did not have any specific grievance apart from challenging the policy adopted. Since the policy has been uniformly followed and adopted to all those who have been appointed in



the similar capacity, a different treatment cannot be given to the petitioners alone. Hence, I find no reason to quash the impugned order.

7. In the result, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

11.12.2023

Index : Yes

Internet : Yes/No

gsk



WEB COPY



R.N.MANJULA, J.

gsk

To

1.The Principal Secretary to Government,
Department of Highways,
Fort St.George, Secretariat,
Chennai 600 009.

2.The Principal Director,
Highways Department,
(Construction and Maintenance)
Guindy, Chennai 600 025.

W.P.No.4179 of 2021 and
W.M.P.Nos.4769, 4770 & 4771 of 2021

3.The Superintending Engineer,
Highways Department,
(Construction and Maintenance)
Salem.

4.The Divisional Engineer,
Highways Department,
(Construction and Maintenance)
Edappady, Salem.

5.The Assistant Divisional Engineer,
Highways Department,
(Construction and Maintenance)
Edappady, Salem.

11.12.2023