



W.P.No.16166 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.16166 of 2021
and W.M.P.No.17104 of 2021

1. D.Venkatesan
2. V.Muthukumar
3. G.Senthil Kumar
4. T.V.Venkataraghavan

...

Petitioners

/vs/

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai – 600 009.

2. The Commissioner,
Corporation of Chennai,
Rippon Building,
Park Town, Chennai – 600 003.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records second respondent in E.L., D.C.No.A1/672/2021 dated 30.03.2021 and quash the same and further direct the respondents to calculate the seniority of the petitioners for promotion from the date of regularizing of service i.e., 22.08.1996 and accord all consequential promotion and monitory benefits from the date 22.08.1996.



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W.P.No.16166 of 2021

For Petitioner ... Mr.R.Ravichandran
For Respondents ... Mr.T.Chezhiyan
Addition Government Pleader for R1
Mr.S.Gopinathan
Standing Counsel for R2

ORDER

This Writ Petition has been filed challenging the order of the second respondent in E.L., D.C.No.A1/672/2021 dated 30.03.202 and further direct the respondents to calculate the seniority of the petitioners for promotion from the date of regularizing the services i.e., 22.08.1996 and accord all consequential promotion and monitory benefits from 22.08.1996.

2. Mr.R.Ravichandran, learned counsel for the petitioners, submitted that as per Category – 4 of the Madras Corporation Engineering Subordinate Services, the eligibility for Diploma Holders for getting promotion to the post of Assistant Divisional Engineer is minimum period of 15 years of service. It is further submitted that the petitioners were appointed as Technical Assistants in the year 1996 and as on today they have put in more than 15 years of service and hence they are eligible to be



W.P.No.16166 of 2021

appointed to the post of Assistant Divisional Engineer.

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3. Mr.T.Chezhiyan, learned Additional Government Pleader, submitted that there is no quarrel on the point that the petitioners' services have been regularized only on 22.08.1996 and they are promoted to Junior Engineer; even though it is claimed that the post of Technical Assistant and Junior Engineer were one and the same and it falls under the Category-4, the fact remains that the petitioners have been given with one promotion in the cadre of Junior Engineer on 22.08.2006 and from which date onwards their services have been regularized and in this regard a Government Order has been issued in G.O.Ms.No.272, Municipal Department dated 24.06.2016 and in which it is specified that the petitioners' eligibility for further promotion will stand effect from 22.08.2006 on seniority basis.

4. It is clarified by the learned Additional Government Pleader that the promotion to the categories of Assistant Engineer and Junior Engineer in Chennai Corporation Engineering Subordinate service for the post of Assistant Executive Engineer will be considered in the ratio of 3:1 as per



W.P.No.16166 of 2021

G.O.Ms.No.96 Municipal Administration & Water Supply (MC-3)

Department dated 29.07.2016. That means the individuals who are working in the cadre of Junior Engineer (Electrial) and Assistant Engineer (Eletrical) are eligible to be promoted to the post of Assistant Executive Engineer (Electrical) in accordance with the ratio of 3:1. In order to claim promotion to the next post of Assistant Executive Engineer, the petitioners should also show that in accordance with their seniority list, they have risen up to the level of next promotion and they also fall within the 3:1 ratio.

5. Without establishing the above facts, if the petitioners have got any grievance with respect to their seniority, the petitioners cannot simply claim seniority by quashing the impugned order and calculate the seniority for promotion from the date of regularization i.e. 22.08.1996. The impugned order dated 30.03.2021 has been passed only on the basis of earlier Government Order in G.O.Ms.No.272, Municipal Department dated 24.06.2016 which regularized the services of the petitioners w.e.f. 22.08.2006.



W.P.No.16166 of 2021

6. Unless the petitioners claims that their seniority contemplated in the above Government Order is wrong or unacceptable, they cannot claim a different seniority for the next cadre. As their seniority in the previous cadre is not set aside or altered and they have been promoted subsequently, they cannot claim a relief as sought in this writ petition.

7. In view of the reasons stated above this Writ Petition is dismissed as premature. However it is open to the petitioners to give representation to the respondents if there are rules in place to support their claim. No costs. Connected miscellaneous petition is closed.

20.11.2023

Index: Yes / No
Speaking order / Non-speaking order
bkn

To:

1. The Secretary to Government,
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2. The Commissioner,
Corporation of Chennai,
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W.P.No.16166 of 2021

R.N.MANJULA ,J.

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W.P.No.16166 of 2021

20.11.2023