



W.P.No.20190 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.No.20190 of 2021

- 1.Y.Maria Clement
- 2.V.Arumugam
- 3.O.Kanniyappan
- 4.M.Subramani
- 5.P.Namasivayam
- 6.G.Srinivasan
- 7.M.Ghouse Basha

... Petitioners

Vs.

- 1.The Principal Secretary to Government,
Government of Tamil Nadu Finance (PC) Department,
Fort St. George, Chennai 600 009.
- 2.The Principal Secretary to Government,
Government of Tamil Nadu Public Works Department,
Fort St. George, Chennai 600 009.
- 3.The Engineer-in-Chief & Chief Engineer (General),
Public Works Department,
Water Resource Department,
Ezhilagam, Chepauk,
Chennai 600 005.
- 4.The Chief Engineer (DRCS)
Public Works Department,
Water Resource Department,
Ezhilagam, Chepauk,
Chennai 600 005.



W.P.No.20190 of 2021

5.The Superintendent Engineer,
Institute of Hydraulics and Hydrology,
Circle Office (IHH),
Public Works Department,
Water Resource Department,
Poondi 602 023.

6.The Executive Engineer,
Institute of Hydraulics and Hydrology,
Hydraulic Division,
Public Works Department,
Water Resource Department,
Poondi 602 023.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to consider and re-designate them in the third respondent department commensurate to the educational qualification on the date of appointment and to consider in terms of the recommendations dated 11.10.2019 and 30.10.2019 and to issue consequential order for granting all service benefits with all consequential benefits within a time frame as fixed by this Court.

For Petitioners : Mr.V.Govardhanan for
Mr.R.Thirumoorthy

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader for R1to R6



W.P.No.20190 of 2021

ORDER

WEB COPY

This Writ Petition has been filed seeking to issue a Writ of Mandamus to direct the respondents to consider and re-designate the petitioners in the third respondent Department commensurate to their educational qualification on the date of appointment and to consider in terms of the recommendations dated 11.10.2019 and 30.10.2019 and to issue consequential order for granting all service benefits with all consequential benefits within a time frame as fixed by this Court.

2. Heard Mr.V.Govardhanan, learned counsel for the petitioners and Mr.T.Chezhiyan, learned Additional Government Pleader appearing for the respondents 1 to 6.

3. The petitioners claim that they possessed higher qualification at the time of their appointment. Hence they wanted to be re-designated in the higher post in accordance with their educational qualification. The petitioners and others have been considered for appointment in view of their completion of apprenticeship training. The Government has considered the appointment of apprentices who have been trained by the



W.P.No.20190 of 2021

Government in view of the large unemployment and hence passed G.O.Ms.No.1151 dated 18.07.1979. The Government Order states that the trained apprentices who have been registered with the Employment Exchange have been sponsored through Employment Exchange and they will be given preference in absorbing them in view of their apprenticeship, though there is no guarantee for their appointment.

4. The learned counsel for the petitioners submitted that on the sponsorship from the Employment Exchange, the petitioners got appointed as Cleaners. It is claimed by the petitioners that the letter of the Government calling for sponsorship from the Employment Exchange did not specify any categories of employment and it has merely mentioned sponsorship and hence the Government ought to have considered the technical qualification of the petitioners and placed them in any technical post instead of placing them as cleaners.

5. The learned Additional Government Pleader for the respondents submitted that the petitioners were appointed for the post of Cleaners on



W.P.No.20190 of 2021

sponsorship. Some of them got other posts either on promotion or on transfer or at their request and re-designated accordingly, by taking into consideration of the educational qualification they had at the time of their appointment.

6. According to the Government, at the time of appointment the vacancies were only in the cadre of cleaners. It is further submitted that the petitioners have kept quiet for 30 years and now claims that they ought to have been appointed in any skilled post instead of appointing them as Cleaners.

7. As on today, the petitioners were working as skilled Assistants in view of their promotion in the year 2007. The petitioners' claim is that considering their educational qualification at the time of their appointment, their scale of pay ought to have been re-fixed for the post applicable to the technical posts. So that, they will be better placed in future in a better scale of pay and to this extent, the third respondent has also made a recommendation to that effect. However, it has not been considered by the respondents 1 and 2 so far.



W.P.No.20190 of 2021

WEB COPY

8. The petitioners had not challenged their initial appointment on any of these grounds now stated by them. But the petitioners cling on to the recommendation made by the third respondent. Knowingly the petitioners joined in the post of Cleaners and they have been getting the salary applicable to the Cleaners and on some consideration, they have been promoted to the post of Technical Assistants. Even that was also viewed doubtful by the Government in view of the irregularity for the promotion.

9. Considering the fact that at the time of initial appointment, there was no vacancy available in the technical post, the petitioners have been appointed in the post of Cleaners. In such circumstances, it is upto the respondents 1 and 2 to consider the Rules and Regulations governing the present claim made by the petitioners and also the relative legality and feasibility.



W.P.No.20190 of 2021

10. With the above observations, this Writ Petition is disposed and the respondents 1 and 2 to consider the Rules and Regulations governing the claim now brought by the petitioners and the legality and the feasibility of acting on the recommendation of the third respondent and pass appropriate orders in this regard within a period of four weeks from the date of receipt of a copy of this order. No costs.

07.11.2023

Index : Yes

Internet : Yes/No

gsk



WEB COPY



W.P.No.20190 of 2021

R.N.MANJULA, J.

gsk

To

1.The Principal Secretary to Government,
Government of Tamil Nadu Finance (PC) Department,
Fort St. George, Chennai 600 009.

2.The Principal Secretary to Government,
Government of Tamil Nadu Public Works Department,
Fort St. George, Chennai 600 009.

3.The Engineer-in-Chief & Chief Engineer (General),
Public Works Department,
Water Resource Department,
Ezhilgam, Chepauk, Chennai 600 005.

W.P.No.20190 of 2021

4.The Chief Engineer (DRCS)
Public Works Department,
Water Resource Department,
Ezhilgam, Chepauk, Chennai 600 005.

5.The Superintendent Engineer,
Institute of Hydraulics and Hydrology,
Circle Office (IHH),
Public Works Department,
Water Resource Department, Poondi 602 023.

07.11.2023

6.The Executive Engineer,
Institute of Hydraulics and Hydrology,
Hydraulic Division,
Public Works Department,
Water Resource Department, Poondi 602 023.