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W.P.No.23936 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.23936 of 2023

1.V.Veerappan
2.K.Andrews
3.K.Mukunthan

... Petitioners

Versus

1.The Government of Tamil Nadu,
Represented by its Additional Chief Secretary,
Highways and Minor Ports,
Secretariat, Fort St.George, Chennai-600 009.

2.The Director General,
Highways Department,
Guindy, Chennai-600 025.

3.The Tamil Nadu Public Service Commission,
Represented by its Secretary,
Frazer Bridge Road, Chennai-600 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to revise the inter-se seniority of Assistant Engineers as made in the representation dated 22.06.2023 and the reminder letter dated 06.07.2023 and pass appropriate orders.

For Petitioners	:	Mr.A.K.Sriram, Senior Counsel for Mr.R.Kannan
For R1 & R2	:	Mr.V.Jeevagiridharan, Additional Government Pleader
For R3	:	Mrs.G.Hema



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ORDER

This Writ Petition has been filed to direct the respondents to revise the inter-se seniority of Assistant Engineers as made in the representation, dated 22.06.2023 and the reminder letter, dated 06.07.2023 and pass appropriate orders.

2.The grievance of the Writ Petitioner is that in the year 2004, the seniority list as no 01.01.2004 has been published by the Chief Engineer (H) vide his proceedings No.22369 Admin 3(4) 2004, dated 29.04.2004 for the post of Assistant Engineers based on the communal roster fixed by the 3rd respondent. Aggrieved over the same, the Assistant Engineers in Public Works Department selected for the year 1998 have filed Writ Petitions before this Court and the same were dismissed. Challenging the same, Writ Appeal Nos.2705, 2730, 2731 of 2012, 2394 and 1033 of 2013 have been filed wherein the Hon'ble Division Bench of Court held that the seniority should be determined only with reference to the rank assigned to them by the Service Commission in terms of Rule 35(a) of the General Rules for Tamil Nadu State and Subordinate Services and not as per the roster and the same was also confirmed by the Hon'ble Apex Court on 22.01.2016 in Special Leave to Appeal (C)CC No(s).22094-22098 of 2015. Subsequently,



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the 3rd respondent has filed review petitions before the Hon'ble Apex Court and the same was dismissed on 25.08.2020. Despite the same, the seniority has not been revisited by the concerned authority. In this regard, the petitioner has sent detailed representation on 22.06.2023 also a reminder, dated 06.07.2023 to the 2nd respondent, however, no order has been passed. Hence, seeks direction of this Court.

3.Heard the submissions of the learned Senior Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the 3rd respondent.

4.On perusal of the entire records, it is seen that the petitioner has sent detailed representation on 22.06.2023 also a reminder, dated 06.07.2023 to the 2nd respondent to revise the seniority on merit as per the judgment of this Court in Writ Appeal Nos.2705, 2730, 2731 of 2012, 2394 and 1033 of 2013, which have been confirmed by the Hon'ble Apex Court. Despite receipt of such representation, no order has been passed till date.



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5.In such view of the matter, there shall be a direction to the petitioner to give fresh representation within a week from the date of receipt of a copy of this order. On such representation, the respondents shall consider the same and pass orders on merits and in accordance with law, within one month, in terms of judgment rendered by the Hon'ble Division Bench of this Court in Writ Appeal Nos.2705, 2730, 2731 of 2012, 2394 and 1033 of 2013, which have been confirmed by the Hon'ble Apex Court as stated above.

6.With the above directions, this Writ Petition is disposed of. No costs.

14.08.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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To

1.The Additional Chief Secretary,
Government of Tamil Nadu,
Highways and Minor Ports,
Secretariat, Fort St.George, Chennai-600 009.

2.The Director General,



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Highways Department,
Guindy, Chennai-600 025.

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3.The Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, Chennai-600 003.



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N.SATHISH KUMAR, J.
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