



WEB COPY

W.P.No.35177 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED:03.01.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

**W.P.No.35177 of 2022**

1.C.Murugesan  
2.R.Jayapraba  
3.K.Kumar  
4.Ashok Kumar

... Petitioners

VS.

1.The Chief Secretary to Government,  
Secretariat, Chennai - 9.  
  
2.The Additional Chief Secretary to Government,  
Water Resource Department,  
Secretariat, Chennai - 9.  
  
3.The Secretary to Human Resource Management,  
Secretariat, Chennai - 9.  
  
4.The Engineer-in-Chief and Chief Engineer (General),  
Water Resource Department, Chepauk, Chennai - 5.  
  
5.The Secretary to the Government,  
Department of Adi-Dravidar & Tribal Welfare,  
St. George Fort, Chennai - 9.

...Respondents



**Prayer:** Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus to direct the respondents to consider the petitioners representation dated 09.04.2022 and to restore the petitioners seniority as fixed by the Tamil Nadu Public Service Commission at the time of recruitment and give effect to the petitioners seniority in promotions with the effect from the date of the petitioners appointment.

For Petitioner : Mr.A.Mohan

For Respondents 1 to 5 : Ms.P.Vijaya Devi  
Government Advocate

### **ORDER**

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioners representation dated 09.04.2022 requesting for restoration of their seniority as fixed by the Tamil Nadu Public Service Commission and give effect to their seniority in promotions with effect from the date of their appointment.

2.Ms.Vijaya Devi, learned Government Advocate accepts notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.



3. The petitioners are working as Assistant Engineers. The petitioners claim that they belong to the Scheduled Tribe community. They were recruited by the Combined Engineering Services Examinations conducted by Tamil Nadu Public Service Commission in the year 2006. According to the petitioners, at the time of their recruitment, the petitioners seniority rank has been fixed as per roster system as 50, 150, 250 & 350 respectively. According to the petitioners, the Division Bench of this Court allowed a batch of writ petitions and struck down section 40(1), 40(2) and 70 of Government Servants (Conditions of Service) Act, 2016. According to the petitioners, the above referred judgment was upheld by the Hon'ble Supreme Court and pursuant to the same, the petitioners seniority has been revised as 415, 422, 418 & 419 respectively, as per the Tamil Nadu Public Service Commission's letter dated 12.10.2021.

4. The petitioners' grievance in this writ petition is that the respondents have erroneously fixed their seniority. The petitioners have given a representation on 09.04.2022 to the respondents requesting them to fix their correct seniority. Since their representation has not been considered till date, they have filed this writ petition.



5. Heard Mr.A.Mohan, learned counsel for the petitioner and Ms.P.Vijaya Devi, learned Government Advocate appearing for the respondents.

6. No prejudice would be caused to the respondents, if the petitioners' representation as stated supra is considered on merits and in accordance with law within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the fourth respondent to pass final orders on merits and in accordance with law on the petitioners' representation dated 09.04.2022 requesting for fixing their correct seniority within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.01.2023

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Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking orders

Neutral citation: Yes/No



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To

- 1.The Chief Secretary to Government,  
Secretariat, Chennai - 9.
- 2.The Additional Chief Secretary to Government,  
Water Resource Department,  
Secretariat, Chennai - 9.
- 3.The Secretary to Human Resource Management,  
Secretariat, Chennai - 9.
- 4.The Engineer-in-Chief and Chief Engineer (General),  
Water Resource Department, Chepauk, Chennai - 5.
- 5.The Secretary to the Government,  
Department of Adi-Dravidar & Tribal Welfare,  
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**ABDUL QUDDHOSE, J.**  
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