



W.A.(MD) No.424 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

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1.Retired Road Inspection Building
Reg. No.51/2015
Road Inspection Association Building
Panchayat Union Road, Dindigul,
Rep. by its General Secretary
S.M.Jeyaseelan

2.R.Rengarajan

... Appellants

-VS-

1. Secretary to the Government,
Government of Tamil Nadu Highways and
Minor Ports Department,
Secretariat, Chennai-009.

2.The Secretary of Government of Tamil Nadu,
Rural Development and Panchayat Department,
Secretariat, Chennai-009.



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3.The Director General,
Highways Department, H.R.S Campus,
Guindy, Chennai-025.

4. The Director of Rural Development
and Panchayat Department,
Panagal Building, Saidapet, Chennai-015.

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order,
dated 22.12.2022, passed in W.P.(MD) No.5696 of 2020, on the file of this Court.

For Appellants : Mr.R.Rengaramanujam

For Respondents : Mr.P.T.Thiraviam
Government Advocate

J U D G M E N T

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The petitioner, which is an association of retired employees is on
appeal challenging the order of the Writ Court made in W.P(MD) No.5696 of
2020.

2. The writ petition was filed challenging the order passed by the first
respondent dated 11.07.2019 in and by which, the request of the petitioners



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association to include the services rendered in the post of Road Inspector Grade – II while computing the eligibility of Selection Grade and Special Grade in the post of Road Inspector Grade – I. The claim of the petitioner association was rejected by the respondents on the ground that the post of Road Inspector Grade – I is a promotional post and therefore, the services rendered in the lower post, namely, Road Inspector Grade – II cannot be included in determining the entitlement to Special Grade or Selection Grade in the promoted post.

3. The issue as to whether Road Inspector Grade – II is a feeder post for promotion to Road Inspector Grade – I is no longer *res integra*. A Division Bench of this Court in W.A.Nos.810 to 815 of 2013 has held that as per G.O. (Ms).No.856, Public Works Department, dated 01.06.1977, the post of Road Inspector Grade – I is a promotional post from the Road Inspector Grade – II. The said judgment of this Court has become final. Therefore, once it is held that Road Inspector Grade – I is a promotional post, the services rendered in the feeder category cannot be taken into account for conformity of Special Grade or Selection Grade in the promotional post. The Writ Court has only relied upon the judgment of the Division Bench of this Court to negative the claim of the



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WEB COURT petitioner association.

4. Learned counsel for the appellant would vehemently contends that some of the employees have not been provided the benefits which they are entitled to upon promotion. The Writ Court has given the liberty to the individuals to approach the authorities concerned, if they have been denied certain monetary benefits. The Writ Court has non-suited the petitioner association on the ground that it cannot espouse the grievance of individual employees. We, therefore, find no reasons to interfere with the orders of the Writ Court which only reiterate the dictum of the Division Bench of this Court. Hence, the writ appeal is dismissed. We preserve the liberty granted by the Writ Court to the individual employees to seek appropriate remedy if they feel that they have not been given the monetary benefits which they are otherwise entitled to. No costs.

[R.S.M., J.]

[L.V.G., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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