



W.P.(MD).No.16938 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16938 of 2020

and

W.M.P(MD)No.14177 of 2020

K.Alaguraju

Vs.

... Petitioner

1.The Managing Director,
Tamil Nadu Housing Board,
Nandanam, Chennai-600 035.

2.The Executive Engineer,
Madurai Housing Unit,
Tamil Nadu Housing Board,
Madurai-625 007.

3.S.Manibalan

4.K.Pandiaraj

5.M.Parthiban

6.S.Kavithavani

7.P.K.Bhuvaneswari

8.C.Manimegalai

9.B.Designan



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10.K. Murugeswaran

11.D.Sathiyamoorthy

12.P.Sivapooshanam

13.K.Ramanathan

14.R.Suresh Bala

15.P.Thamilmani

16.G.Krishnakumar

17.P.Vijay

18.D.Srinivasan

19.S.Senthamilselvi

20.G.Velmurugan

21.B.Vidyasagar

22.S.Anandajothi

23.S.Vijayakumar

24.R.Ranjith Kumar

25.M.Sasikala

26.D.Anitha Cristiana

27.R.K.Murugesan

28.P.M.Karnan



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29.C.N.Periyaswamy

30.K.Manikandan

31.D.Kaveri

32.M.Gurusamy

33.K.Karunamoorthy

34.E.Maria Soosai

35.J.JackulinSweety

36.S.Siva Chandran

37.N.Angayarkanni

38.P.Balamurugan

39.M.Balamurugan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned final Seniority List of Assistant Engineers as on 27.08.2020 for the panel year 2020-21 issued by the 1st respondent Managing Director vide Memo No.PT2/2172/2020 dated 29.10.2020 containing a list of 121 Assistant Engineers, and Quash the same in so far as placing the respondents 3 to 39 at Rank Nos.1,2,5,6,7,8,9,10,11,12, 14,16,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37,38,40,41, 42 and 43 respectively in the Final Seniority List dt. 29.10.2002 and further direct the 1st respondent Managing Director herein to finalise the Final Seniority List of Assistant Engineers issued vide proceedings in Memo



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Np.Pa.Tho.N.Pe.2/26928/15 dated 25.02.2016 for the panel year 2020-2021 and consequently consider the petitioner for promotion to the post of Assistant Executive Engineer on the basis of with all attendant benefits.

For Petitioner : Mr.T.Cibi Chankraborty

For R1 - R2 : Mr.A.K.Kannan
for Mr.S.Sumesh
Standing Counsel

For R3-R39 : No Appearance

ORDER

The present writ petition has been filed to call for the records relating to the impugned final Seniority List of Assistant Engineers as on 27.08.2020 for the panel year 2020-21 issued by the 1st respondent Managing Director vide Memo No.PT2/2172/2020 dated 29.10.2020 containing a list of 121 Assistant Engineers, and Quash the same in so far as placing the respondents 3 to 39 at Rank Nos.1,2,5,6,7,8,9, 10,11,12, 14,16,18,19, 20,21,22,23,24,25, 26,27,28, 29,30,31,32,33,34,35,36,37,38,40,41,42 and 43 respectively in the Final Seniority List dt. 29.10.2002 and further direct the 1st respondent Managing Director herein to finalise the Final Seniority List of Assistant Engineers issued vide proceedings in Memo Np.Pa.Tho.N.Pe.2/26928/15 dated 25.02.2016 for



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the panel year 2020-2021 and consequently consider the petitioner for promotion to the post of Assistant Executive Engineer on the basis of with all attendant benefits.

2. The petitioner was appointed as Assistant Engineer (Civil) in Tamil Nadu Housing Board vide proceedings, dated 21.08.2014. He joined duty on 25.08.2014 and completed his probation on 24.08.2016 and the same was declared by the Board on 16.12.2019. All the selected 108 Assistant Engineers joined on the same day in various units under the 1st respondent Tamil Nadu Housing Board. In the year 2016, the Housing Board issued a final seniority list as on 17.02.2016 vide proceedings, dated 25.02.2016 wherein the petitioner was placed in Rank No.17 in the said seniority list. The said seniority list for the year 2016 was on the basis of age seniority as per Tamil Nadu Sub-Ordinate Service Rules. The Board issued a provisional seniority list, dated 01.08.2016 in which the petitioner was ranked as 16 in the seniority list which was issued on the basis of the age seniority. Unexpectedly, in the year 2017, in contrary to the earlier final seniority list, the Board issued a fresh final seniority list, dated 18.01.2017, in which the petitioner was placed in Rank No.44. The said seniority list was prepared on the basis of the Roster system for which the



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petitioner raised his objection to the 1st respondent through proper channel on 27.01.2017 stating that the Roster has no bearing for determining the seniority. Since there was no response for his objection, the petitioner along with other Assistant Engineers submitted a joint representation, dated 05.02.2019 to the State Government objecting the seniority list, dated 18.01.2017. Without considering the representation, on 01.08.2020, once again a new provisional seniority list was issued by the Board placing the petitioner in Rank No.44 in the list. Objecting the same, the petitioner made another representation on 10.09.2020. Since the same was of no avail, this writ petition came to be filed challenging the said seniority list.

3. Pursuant to the filing of this writ petition, anomalies were looked into and a new revised provisional seniority list for Assistant Engineers for the panel year 2021-22 on the basis of merit was issued by the Board on 02.04.2022. In which, the petitioner is placed in Rank No.31.

4. The learned counsel for the respondent Board would submit that if at all the petitioner is having any grievance for his rank in the revised provisional seniority list, he can file an appeal before the appellate authority.



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5. This Court in W.P.No.17979 of 2020 in a similar case has dealt with similar line and the relevant portion of which is extracted as follows:

“4. In the light of the above said stand taken by the respondents 1 and 2, if the petitioner is being aggrieved by the final seniority list published on 29.10.2020 for the year 2020-2021, he is at liberty to file an appeal before the appellate authority, namely the respondent Board seeking revision of seniority.”

6. In view of the same, this Court is of the considered view to dispose of this writ petition by giving liberty to the petitioner to file an appeal before the appellate authority, namely the Managing Director of the respondent Board as against the revised provisional seniority list, in case of any grievance.

7. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

31.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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L.VICTORIA GOWRI, J.

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