



W.P. Nos. 1982 and 1983 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P. Nos. 1982 and 1983 of 2012

W.P. No. 1982 of 2012:-

T.Samraj

... Petitioner

-VS-

1. State of Tamil Nadu
Represented by the Commissioner and
Secretary (Municipal Administration and
Water Supply) Secretariat, Fort St. George
Chennai-600005.
2. Tamil Nadu Water Supply and Drainage Board
Represented by Managing Director
No.31, Kamarajar Salai, Chepauk
Chennai-600005.
3. P.Raja Arivazhagan
4. J.Vijaya
5. M.Mahalingam
6. G.Panneerselvam
7. Murali Manohar G.T.
8. Ramachandran A.
9. Ravichandran S.
10. Ganesh G.
11. Arumugam V.
12. Natarajan P.
13. Ravichandran M.
14. Sakthivel M.
15. Rajamunisamy S.
16. Kannan S.
17. Ugendhar N.

RR3 to 17 impleaded as per order dated



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04.04.2014 by MMSJ in M.P. No.2 of 2013 and
M.P. No.3 of 2013 in W.P. No. 1982 of 2012)

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... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to letter No. C2/EE/HO/30476/2011 dated 21.07.2011 issued by the 2nd respondent and quash the same and consequently direct the 2nd respondent to consider the petitioner for promotion to the post of Assistant Executive Engineer in TWAD Board.

For Petitioner : Mr.K.V.Subramanian
Senior Counsel
For Mr.R.Jagadeesan

For Respondents : Mr.M.S.Prem Kumar-GA-R1
Ms.Y.Kavitha – R2
Ms.M.Meena Rukmani-R3 to R17

W.P. No. 1983 of 2012:-

A.Saravanan

... Petitioner

-VS-

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Secretary (Municipal Administration and
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6. G.Panneerselvam
7. Murali Manohar G.T.
8. Ramachandran A.
9. Ravichandran S.
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For Respondents : Mr.M.S.Prem Kumar-GA-R1
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COMMON ORDER

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The issue that arise for consideration in both writ petitions is one and the same and as such, both the writ petitions are taken up for consideration. It is sufficient take note of the facts of the case in W.P. No.1982 of 2012 for disposal of these two writ petitions.

2. The petitioner in W.P. No. 1982 of 2012 was initially appointed as Assistant Draftsman on 05.02.1982 in the respondent Board and thereafter, he was promoted to the post of Junior Drafting Officer(JDO) on 25.08.1983. While he was working as such, the Managing Director of the Respondent Board issued orders in Proceedings No.7529/RS/A1/87-29 dated 12.04.1988 proposing to provide a channel for appointment to the post of Assistant Engineer by filling up the said post by the employees working in the respondent Board, who possess the requisite qualifications and also by accommodating the 40 retrenched candidates in Public Works Department and Highways Department and 160 candidates sponsored by the Employment Exchange etc.

3. In terms of the said order, the 22 internal /departmental candidates are intended to be placed above all other candidates. However, no appointment orders were issued to the departmental candidates in the year 1988. The



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petitioners herein are the departmental candidates out of 22 referred to above.

As the relevant Service Regulations viz., The Tamil Nadu Water Supply and Drainage Board Service Regulations' 1972 has not provided for such recruitment as ordered by the Managing Director through proceedings dated 12.04.1988, amendments to the Regulations were proposed and it is only on 06.12.2007 appropriate amendments were made to the Board Service Regulations. However, with retrospective effect from 28.04.1986. Pending amendments to the Service Regulations, the case of the petitioners herein were considered for promotion to the post of Assistant Engineer and accordingly, they were appointed as Assistant Engineers through different proceedings dated 02.05.1990, 23.03.1990 and 29.09.1993 respectively. It was thereafter a tentative seniority list of Assistant Engineers recruited through different methods were prepared and thereafter, after having called for objections, a confirmed seniority list was issued in Letter No.A1/HO/SC/66029/87 dated 01.03.1996. In the said seniority list, the petitioners herein were placed at Sl. Nos. 3507 and 3572 respectively. After the regulations were amended in the year 2007, the appointment of the petitioners to the post of Assistant Engineer were confirmed.



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4. While so, when the respondents intended to fill up the post of Assistant Executive Engineer and called for particulars of the confidential report and service particulars of the candidates, who come within the zone of consideration by issuing Letter No.C2/EE/HO/30476/2011 dated 21.07.2011, the petitioners approached this Court by filing this writ petition challenging the said letter dated 21.07.2011.

5. Mr.K.V.Subramanian, learned Senior Counsel appearing for the petitioners contended that the petitioners were selected for being appointed to the post of Assistant Engineer by the Managing Director of the respondent Board by orders dated 12.04.1988, but they issued appointment orders appointing them to the post of Assistant Engineer only in the year 1990 and 1993 respectively for want of amending the relevant regulations and after the amendments were made to the Board Service Regulations on 06.11.2007, the petitioners have become entitled for appointment to the post of Assistant Engineer with effect from 12.04.1988 and accordingly, they are also entitled for appropriate place in the seniority list of Assistant Engineer/Junior Engineer. But the respondents without issuing any consequential order and consequent upon the amendment made to the Board Service Regulations issued the impugned Letter No.C2/EE/HO/30476/2011 dated 21.07.2011 calling for particulars of the



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candidates, who fall within the zone of consideration for being considered to the post of Assistant Executive Engineer in the respondent Board.

6. On the other hand, Ms.Y.Kavitha, learned counsel appearing for the respondent Board contended that the date of appointment of the petitioners to the post of Assistant Engineer in the years 1990 and 1993 have become final and they have never agitated for alteration of their appointments at any point of time and they also have not raised any objections when the tentative seniority list in the cadre of Assistant Engineer /Junior Engineer was communicated, and that the said seniority was also finalized as early as in the year 1996. According to her, it is only in terms of the said seniority list, which was finalized as early as on 01.03.1996 the impugned Letter No.C2/EE/HO/30476/2011 dated 21.07.2011 came to be issued calling for particulars of candidates, who come within the zone of consideration for being considered for the promotion to the post of Assistant Executive Engineer.

7. This Court has carefully considered and submissions made on either side and perused the materials available on record.

8. It is not in dispute that the petitioners herein have been appointed to the



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post of Assistant Engineer during the years 1990 and 1993 respectively and

there is no challenge to the said orders of promotion either at the relevant point of time or after the amendments were made to the Board Service Regulations in the year 2007. It is also not in dispute that the petitioners have not challenged the final seniority list that was issued on 01.03.1996 and the same has also attained finality. In the absence of challenge to the dates on which the petitioners were appointed to the post of Assistant Engineer and also the final seniority list that was issued on 01.03.1996, the question of petitioners making any claim for being appointed with retrospective effect to the post of Assistant Engineer does not arise, basis upon the amendments made to the Board Service Regulations with retrospective effect basing upon the orders issued by the Managing Director of the respondent Board on 12.04.1988. Therefore, the claim of the petitioners in both the writ petitions would fall on this ground alone.

9. Be that as it may. The impugned proceedings is only calling for particulars of the candidates who fall within the zone of consideration for promotion to the post of Assistant Executive Engineer. Though these writ petitions were filed in the year 2012, there is no interim order passed by this Court. In view of the same, the selection process pursuant to the impugned letter has already been completed long back and various candidates were promoted to



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the post of Assistant Executive Engineer and thereafter, they were also considered for further promotion to the post of Executive Engineer etc..

Therefore, the cases of the petitioners herein were considered for promotion to the post of Assistant Executive Engineer in their own term.

10. Further, it is also brought to the notice of this Court that the petitioners in both the writ petitions also retired from service on attaining the age of superannuation, during the pendency of these writ petitions.

11. In the absence of any challenge to the promotion that were effected pursuant to the impugned letter and further promotions to the post of Executive Engineer etc., the question of granting any relief to the petitioners in the present writ petitions does not arise.

12. In the present writ petitions, the petitioners while questioning the impugned letter dated 21.07.2011 they have only sought for consideration of their case for promotion to the post of Assistant Executive Engineer. As the further proceedings pursuant to the impugned letter have already been taken place and promotions were also effected practically the relief sought in the present writ petitions have become infructuous.



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13. The contention of the learned Senior Counsel appearing for the petitioners contending that this Court can mould the relief taking consideration of the arbitrary action on the part of the respondent does not deserve any consideration for the simple reason that the petitioners having allowed their dates of appointment, and the seniority list that was issued as early as on 01.03.1996 to become final and having failed to seek any appropriate relief with regard to their original date of appointment to the post of Assistant Engineer, they are not entitled for any such indulgence especially considering the fact that they are effluent, educated and also holding post of Assistant Engineer. Under these circumstances, this Court do not find any merit in these writ petitions and accordingly, these writ petitions are dismissed. No costs.

11.11.2024

Index: Yes/No

NCC: Yes/No

Maya



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To

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Secretary (Municipal Administration and Water Supply)
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MUMMINENI SUDHEER KUMAR, J.

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