



W.P.No.11070 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.11070 of 2022

R.Sampath

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Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by its Secretary,
Public Works Department,
Fort St.George,
Chennai – 600 009.

2. The Government of Tamil Nadu,
Represented by its Secretary,
Water Resources Department,
Fort St.George,
Chennai – 600 009.

3. The Engineer-in-Chief (Buildings),
Chief Engineer (Buildings),
Chennai Region and Chief Engineer (General),
Public Works Department,
Chepauk, Chennai – 600 005.

4. The Engineer-in-Chief (W.R.O),
Chief Engineer (General),
Water Resources Department,
Chepauk, Chennai – 600 005.

5. N.N.Thiyagarajan

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Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying



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for the issuance of a Writ of Mandamus directing the first respondent to regularise the seniority of the petitioner over and above the seniority of the petitioner over and above the seniority of the 5th respondent as per the G.O.Ms.No.199, dated 08.12.2020.

For Petitioner : Mr.G.Veerapathiran

For R1 to R4 : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This Writ Petition has been filed for direction directing the first respondent to regularise the seniority of the petitioner over and above the seniority of the fifth respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4 and perused the materials available on record.

3. The petitioner was originally appointed as an Emergency Assistant Engineer in Public Works Department under Rule 10(a)(1) of the General Rules for Tamil Nadu Engineering Service. The said Rule subsequently amended as Section 17(1) of the Tamil Nadu Government Servant (Condition of Service) Act, 2016. In the year 1985, the Tamil Nadu Public



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Service Commission (hereinafter referred as “TNPSC”) calling for the appointment of Civil Engineers in Public Works Department. The petitioner applied for the said post and he was selected as Assistant Engineer. His service was also regularised from the date of his appointment by the proceedings dated 14.01.1988. The seniority of the candidates who were selected by the TNPSC in the cadre of Assistant Engineer will be as per the serial number assigned by the TNPSC in the approved list. The petitioner's seniority was placed in serial number 128 and as per the list issued by the third respondent, he was placed in Sl.No.104. The name of the fifth respondent was placed in serial number 309 of the TNPSC and as per the list published by the third respondent, he comes under serial number 247. The fifth respondent filed an application before the Tamil Nadu Administrative Tribunal in O.A.No.1014 of 2002 stating that his seniority is to be fixed from the date of joining under Rule 10(a)(1) of the General Rules for Tamil Nadu Engineering Service. It was not implemented and as such, the petitioner filed a writ petition before this Court in W.P.No.29837 of 2005 and the same was allowed by this Court.

4. In the meanwhile, the petitioner was promoted as Assistant Executive Engineer and subsequently, promoted as an Executive Engineer. Thereafter, the petitioner retired from service. The fifth respondent was also



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promoted and retired from his service as Executive Engineer. Further, the fifth respondent filed writ petitions before this Court in W.P.Nos.11793 and 16558 of 2019 seeking for revise the seniority in the cadre of Assistant Engineer by including his name in the appropriate place in the panel for the post of Assistant Executive Engineer in the year 2002-2003. This Court directed the respondent to proceed further with the process of revising the seniority of the petitioner in the cadre of Assistant Engineer, Assistant Executive Engineer, Superintending Engineer and Chief Engineer in accordance with the seniority of the petitioner fixed by the respondents.

5. In order to comply with the said order, the petitioner also filed Contempt Petition before this Court in Cont.P.Nos.516 & 517 of 2020. In fact, as against the order passed by this Court in W.P.Nos.11793 & 16558 of 2019 filed by the fifth respondent, no appeal has been preferred and as such, the said direction was complied with by G.O.(D) No.199, dated 08.12.2020. Now, the petitioner seeks revision of his seniority over and above the fifth respondent as per G.O.(D) No.199 dated 18.12.2020.

6. Admittedly, the petitioner never made any request to consider his earlier service as Assistant Engineer under Rule 10(a)(1) of the General Rules for Tamil Nadu Engineering Service. Whereas, the fifth respondent filed an application before the Tamil Nadu Administrative Tribunal and also filed



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writ petitions before this Court and this Court allowed the writ petitions.

Accordingly, the seniority was revised as per G.O.(D) No.199, dated 08.12.2020.

7. Therefore, the representation submitted by the petitioner seeking revision of his seniority above the fifth respondent cannot be considered and the writ petition is devoid of merits and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. No costs.

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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Lpp

G.K.ILANTHIRAIYAN. J.

Lpp

To

1. The Secretary,
Public Works Department,
Fort St.George,
Chennai – 600 009.



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2. The Secretary,
Water Resources Department,
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