



W.P.No.17269 of 2021.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2024

CORAM

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.17269 of 2021

and W.M.P.No.4830 of 2022

1.Er.R.Solaiappan,
S/o. S.Ramasamy,
Assistant Executive Engineer,
TWAD Board,
3/388-A, Krishna Nagar, II Street,
St. Peter's Church Road,
Gopalapuram, Tiruppalai,
Madurai-625014.

2.Er.M.Santhanakumar,
S/o. Muthukrishnan,
Assistant Executive Engineer,
TWAD Board,
N-301, Panchatchara Block,
Pandya Happy Homes,
TPM Nagar, Virattipathu,
Madurai-625016.

3.Er.S.Rajamani,
S/o. M.Sundaramahalingam,
Assistant Executive Engineer,



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TWAD Board, 236 A-1,
South Vaithinathapuram Street,
Rajapalayam-626117

4.Er.S.Basakaran,
S/o. R.Somasundaram,
Assistant Executive Engineer,
TWAD Board,
Sri Arunachala Illam,
Plot No.29, Saraswathi Nagar (North),
Pandiyan Salai,
Neelangarai, Chennai-600115.

5. Er.R.Selvaraju,
S/o. B. Rangaraju,
Assistant Executive Engineer,
TWAD Board,
No.128-Kattuvattam,
Ayyanthirumaligai, Govt.Women's ITI,
Back Side, Salem-636008.

6. Er.D.Mahadevan,
S/o.R.Dhanakoti,
Assistant Executive Engineer,
TWAD Board,
No. 136, Sowdambiga Nagar,
Dasanaickenpatti, Salem-636201.



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7. Er.S.Sakthivel,
S/o. S. Subramanian,
Assistant Executive Engineer,
TWAD Board,
No.2/341, Win Nagar, First Main Road, Ellakudi punchayat,
Kattur Post, Trichy-620019.
8. Er.G.Mahalingam,
S/o. P.Govidan, Assistant Executive Engineer,
TWAD Board,
No. 139, Golden City, Main Road,
Thuraimangalam,
Perambalur-621212.
9. Er.K. Jayabalan,
S/o. K.Kuthaiyan, Assistant Executive Engineer,
TWAD Board,23, Thavanambal Nagar, Anaikuppam,
Cuddalore-607001.
10. Er.P.Mathiazhagan,
S/o. M.Pichai, Assistant Executive Engineer,
TWAD Board,
No. 18, Kamarajar Street,
Varadharajan Pillai Nagar, Semmandalam,
Cuddalore-607001.



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11.Er.M. Anandan,
S/o. S.Muthu, Assistant Executive Engineer,
TWAD Board,
No.962, Chettikulam Street,
Veeraperumanallur Vill& Post,
Panruti Taluk,
Cuddalore-607101.

12.Er.P. Kumar Raj,
S/o. Perumal,
Assistant Executive Engineer,
TWAD Board,
No.22, Ratchakar Nagar, Semmandalam,
Cuddalore-607001.

13.Er.M.Thakshinamuruthy,
S/o.P.M.Pandian,
Assistant Executive Engineer,
TWAD Board,
604(B16), KTC Nagar,
Tirunelveli-627011.

14. Er. M A Mayilvahanan,
S/o. M.Alagaiya,



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Assistant Executive Engineer,
TWAD Board,
37, Vasantham Nagar, Kokkirakulam,
Tirunelveli-627009.

15. Er.V.Ramalakshmi,
D/o. R. Velayutharaman,
Assistant Executive Engineer,
TWAD Board,
359, 15th Street, Shanthi Nagar, Tirunelveli-627002.

16.TWAD Board Diploma Engineers Association,
Represented by its General Secretary Mr.S.Basakaran,
No. 31, Kamarajar Salai, Chepauk, Chennai-600005.

...Petitioners

Vs.

The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Salai, Chepauk,
Chennai-600 005.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, praying to call for the records of the order of the respondent made in Letter No.



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C2/HO/SC/16983/2015 dated 07.05.2021 and quash the same and 'further directing the respondent to prepare fresh seniority list.

For Petitioner : Mr.V.P.Sengottuvel
For RR1 : Mr.S.Silambarasan
for Ms.S.Mekhala
For R2 to R7 : Mr.A.L.Gandhimathi
Standing Counsel

ORDER

The writ petition has been filed by the individual petitioners challenging the letter No. C2/HO/SC/16983/2015 dated 07.05.2021 issued by the respondents rejecting the request made by the General Secretary of TWAD Board and Engineers Association and raising objections against the seniority which was finalized through letter No.A1/HO/Sy.Cell/115218/2001 dated 16.04.2002. Through the said letter, dated 16.04.2002 the seniority among the Assistant Engineer working under the first respondent was finalized and the same was communicated to all the individuals. However, no contest is made against the said seniority list till the year 2014. It is only in the year 2014, certain objections were raised against the said seniority list. The above said Association appears to have made certain representations during the years



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2015, 2016, 2020 and 2021 seeking revision of the said seniority and the said request made by the said association and other individuals was negated by the respondent on the ground that the same cannot be considered at this stage. Aggrieved by the said letter/ communication dated 07/05/2021 the present writ petition has been filed.

2. It is not in dispute that the seniority was fixed and finalized as early as on 16.04.2002 and no objection of whatsoever has been raised till the year 2015 that is, for almost about 13 years the said seniority that was finalized on 16.04.2002, was allowed to operate. Thus, seniority as fixed through proceedings dated 16.04.2002, is settled and accepted by all the parties therein. The settled seniority is sought to be unsettled by raising certain objections after a period of 13 years. The settled seniority cannot be unsettled after a long lapse of time as 13 years is considered as too long to unsettle the seniority which is already finalized in the year 2002.

3. In the light of the settled legal position, that the settled seniority can't be unsettled this Court does not find any error or illegality in the



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impugned order passed by the respondents.

4. Accordingly, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

25.06.2024

vsn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To
The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Salai, Chepauk,
Chennai-600 005.



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MUMMINENI SUDHEER KUMAR, J.

vsn

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