



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.33401 of 2024
and
W.M.P.Nos.36191 & 36193 of 2024

- 1.KP.Regunathen
- 2.P.Nataraja
- 3.V.Tamilselvam
- 4.P.Chandran
- 5.K.Gnanamurugan
- 6.B.Krishnakumar
- 7.V.S.Sridhar
- 8.S.Sathiyamarayanan

9.Engineering Graduates Association,
Rep. by its President,
Tamil Nadu Agricultural Engineering Department,
487, Anna Salai, Nandanam, Chennai – 35.

...Petitioners

Vs.



- 1.The Government of Tamil Naud,
Rep. by its Secretary,
Agriculture Department,
Fort St. George, Chennai – 600 009.
- 2.The Chief Engineer,
Agricultural Engineering Department,
Chennai – 600 035.
- 3.S.Govindaraj
- 4.A.S.Senthilnathan
- 5.A.Vijayakumar
- 6.T.K.Murugesan
- 7.A.Mohammed Bahrudin
- 8.V.Balasubramaniam
- 9.P.Parthiban
- 10.The Tamil Nadu Agricultural Engineers' Association,
Rep. by its General Secretary,
16, Poodha Perumal Kovil Street, Chennai – 600 002.
- 11.Engineering Diploma Association,
TN Agricultural Engineering Department,
Rep. by its General Secretary,
B.144, TNHB Quarters,
Keezhpermbakkam, Villupuram.

...Respondents

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



praying to issue a Writ of Declaration, declaring the Special Rules to Tamil Nadu Agricultural Engineering Service, as amended vide G.O.Ms.No.226 Tamil Nadu Agricultural Engineering (AA3) Department dated 18.10.2023, in so far as treating the Junior Engineers on par with Assistant Engineers to compete for consideration for appointment as Assistant Executive Engineers and further even, enabling the Junior Engineers to get appointment as Assistant Executive Engineer earlier to the Assistant Engineers who were appointed as Assistant Engineers in the same year or earlier year to the appointment of such Junior Engineers, as violative of Art 14 and 16(1) of the constitution of India and void ab initio and consequently to direct the respondents 1 and 2 to revise the panels of AEs and JEs for appointment as Assistant Executive Engineers from the panel years, from 2011-12 to 2024-25 and to revise accordingly all the promotions made to the categories of Assistant Executive Engineer, Executive Engineer and superintending Engineer with all consequential service and monetary benefits to the panelists with effect from the relevant/respective anterior/posterior date on which the Assistant Executive Engineers, Executive Engineers and superintending Engineers would have been entitled to have been appointed /promoted to such categories in accordance with law and constitution of India and further to direct the 1st respondent to initiate appropriate proceedings against the officers who are responsible for causing these unconstitutionality.

For Petitioners

: Mr.N.Subramaniyan



For Respondents 1 & 2 : Mr.S.John J.Raja Singh,
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by ***R.SUBRAMANIAN, J.***)

Challenge is to the special Rules of the Tamil Nadu Agricultural Engineering Services, which provides for a ratio for promotion to the post of Assistant Executive Engineer from the feeder categories of Assistant Engineer and Junior Engineer.

2. The original ratio for appointment was 3:1 and the ratio for promotion was 3:2. That was challenged by the Junior Engineers who are basically Diploma holders. The litigation reached the Hon'ble Supreme Court. The Hon'ble Supreme Court rejected the challenge. Thereafter, the Government upon representation made by the Graduate Engineers/ Assistant Engineers amended the Rules and brought in the ratio of 3:1 for both appointment as well as promotions. While doing so, a proviso was



introduced to Rule 2(b) which read as follows:-

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Provided that no Junior Engineer (Agricultural Engineering) appointed in a particular year shall be considered for appointment to the post of Assistant Executive Engineer (Agricultural Engineering) by recruitment by transfer unless and until the Assistant Engineer (Agricultural Engineering) appointed in the same year is considered for promotion to the post of Assistant Executive Engineer (Agricultural Engineering).

3. This amendment was again put in issue by the Diploma holders/ Junior Engineers. The Division Bench of this Court upheld the amendment except the proviso extracted above. The proviso was struck down on the ground that it will affect the ratio fixed for promotions. This was also challenged before the Hon'ble Supreme Court and the challenge was rejected and a review is stated to be pending.

4. It is the contention of Mr.N.Subramaniyan, learned counsel appearing for the petitioners that implementation of the ratio 3:1 *de hors* the proviso can affect the Graduate Engineers/ Assistant Engineers and the



Junior Engineers, who are appointed much later steal a march over the Graduate Engineers because of the ratio and therefore the Rule is violative of the Constitution of India. His further contention is that the Junior Engineers, who are appointed in the lower scales of pay are allowed to steal a march over the Assistant Engineers, who are in the State Service and appointed under the higher scales of pay.

5. When two posts are made feeder category for promotion to one single post, there is a likelihood of anomaly and the attempt should be how best to prevent prejudice to one set of people. The Government has brought in the Rules making both ratio in appointment and ratio in promotion the same with an object of avoiding prejudice and preventing heart-burns. If some promotions happen despite such Rules, that cannot be a ground to conclude that the Rules are *ultra vires* the Constitution.

6. We must also point out that these Rules were tested by the Division Bench of this Court on an earlier occasion and the Division Bench has upheld the Rules sans the proviso. We do not think we can re-visit the said



judgment. Being a judgment of the co-equal Bench, the same is binding on us also. We therefore do not propose to entertain the challenge.

7. The Writ Petition therefore fails and it is accordingly dismissed.

No costs. Consequently, the connected miscellaneous petitions are closed.

(R.S.M., J.) (C.K., J.)
19.12.2024

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Index : No
Neutral Citation : No
Speaking order



To

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C.KUMARAPPAN, J.

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