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W.P.Nos.6548, 6554 & 6593 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.Nos.6548, 6554 & 6593 of 2022
and WMP.Nos.6643, 6649, 6650, 6655, 6657 &
6659,6689, 6690 & 6691 of 2022

1.G.Selvakumaran

Executive Engineer (RD)
District Rural Development Agency
Kallakurichi
Kallakurichi District.

... Petitioner in W.P.No.6548 of 2022

2.M.Kavitha

Superintending Engineer
Director of Rural Development and Panchayat Raj
Panagal Maligai, Saidapet
Chennai – 600 015..

... Petitioner in W.P.No.6554 of 2022

3.K.Senthil Kumar

Executive Engineer (RD)
District Rural Development Agency
Collectorate
Perambalur District.

... Petitioner in W.P.No.6593 of 2022

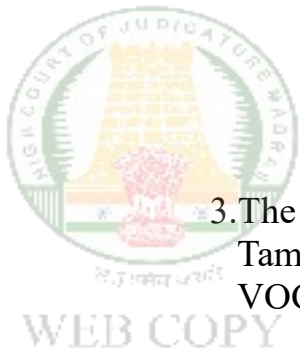
Vs

1.The State of Tamil Nadu

Rep by its Principal Secretary to Government
Rural Development and Panchayat Raj Department
Chennai.

2.The Director of Rural Development and Panchayat Raj

O/o. The Director of Rural Development and Panchayat Raj
Chennai – 600 015.



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3. The Secretary
Tamil Nadu Public Service Commission
VOC Nagar, Park Town, Chennai – 600 003.

... Respondents in all WPs

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the 2nd respondent vide his proceedings in Proc.No.56857/2021/EE1.2 dated 20.10.2021 and quash the same as illegal insofar as the petitioners are concerned and pass orders.

For Petitioners : Mr.Nambi Arooran
(in all WPs) for M/s.Ajmal Associates

For Respondents : Ms.S.Anitha
(in all WPs) Special Government Pleader for R1 & R2
Mr.U.Bharanidharan for R3

COMMON ORDER

The writ petitioners seek to challenge the proceedings of the second respondent in Proc.No.56857/2021/EE1.2 dated 20.10.2021.

2. The petitioners herein though holds the post of Executive Engineer and Superintending Engineer in Rural Development Department in different Districts, however, the order impugned, is one and same, the writ petitions are taken up together for hearing and disposed of by a common order.



3. The short facts which have given rise to the filing of these writ petitions are as follows :

- a) The petitioners were appointed in the post of Assistant Engineer in 1998, pursuant to the notification issued by the third respondent in the year 1997. The second respondent had published the seniority list in concurrence with TNPSC way back in the year 1998, and it is this list that is operating as the seniority list as on date. Subsequently, by operating the said seniority list, the inter se seniority list was prepared in the cadre of Assistant Engineer and by virtue of the said seniority list, the panel of Assistant Engineer fit for promotion to the post of Assistant Executive Engineer was prepared and the petitioners were promoted as Assistant Executive Engineers. The details of the individuals/ petitioners' date of appointment, their promotion and their seniority list are tabulated below for ready reference :

W.P. No.	Name of the petitioner	Date of Appointment	Original Post held by the petitioner	Date of promotion	Promoted as	As per seniority fixed in the year 1998	As per revised seniority
6548/2022	G.Selvakumaran	16.12.1998	Assistant Engineer	02.03.2006	Assistant Executive Engineer	Sl.No.70	Sl.No.93
6554/2022	M.Kavitha	10.12.1998	Assistant Engineer	19.06.2009	Assistant Executive Engineer	Sl.No.25	Sl.No.100
6593/2022	K.Senthil Kumar	02.12.1998	Assistant Engineer	08.03.2006	Assistant Executive Engineer	Sl.No.52	Sl.No.89



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- b) The petitioners would submit that the seniority list in the cadre of Assistant Executive Engineer was published in the year 2004 with regard to the marks obtained by the candidates and as there was no objections to the same, the seniority list was finalised. By operating this seniority list, the panel of Assistant Executive Engineer who are eligible for promotion to the post of Executive Engineer were prepared and the petitioners herein were promoted to the post of Executive Engineer on 17.09.2009, 19.06.2009 and 29.05.2009 respectively. The petitioners in W.P.No.6548 of 2022 and W.P.No.6593 of 2022 hold the said post of Executive Engineers till the filing of the writ petition whereas the petitioner in W.P.No.6554 of 2022 was promoted as Superintending Engineer on 23.02.2021.
- c) The petitioners would submit that in 2007, an inter se seniority list was published among the decree holders and diploma holders and the said seniority list was also prepared in accordance with the seniority list originally prepared in the year 1998. The seniority lists in different cadres were published and promotions had been effected in the year 1998 and there were no complaints from any quarters.
- d) While matters stood thus, the second respondent through the impugned proceedings, had published the revised seniority list stating that the



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seniority list of all the Assistant Engineers recruited in the year 1997-1998 are revised on the basis of merits. Therefore, the seniority list which was fixed in the year 1998 and which was in operation for the last two decades, was sought to be revised through the impugned proceedings, without issuing any prior notice to the petitioners and similarly placed persons. The impugned notice would mention that the revision was in compliance with the judgment of the Hon'ble Supreme Court dated 01.10.2021 in Contempt Petition (Civil) No.638 of 2017 .

- e) The petitioners would submit that they were unaware of the proceedings of the Supreme Court as they were not the parties to the said judgment.
- f) The petitioners would submit that on verification, they had learnt that one employee from their Department had filed the contempt petition before the Supreme Court, which was heard along with other contempt petitions, and the orders of the Supreme Court in Contempt Petition No.687 of 2021 had promoted the issuance of impugned order.
- g) The judgment of the Hon'ble Supreme Court dated 01.10.2021 in Contempt Petition (Civil) No.638 of 2017, has originated from the filing of a writ petitions before this Court. The writ petitioners therein challenged the seniority list issued in the year 2004 on the ground that it should be based on marks. This has culminated the judgment of the



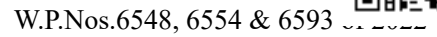
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Hon'ble Supreme Court dated 22.01.2016 in SLP(C) Nos.2890-2894 of 2016 and SLP(C) No.2886 of 2016. The non-compliance of the said judgment by Tamil Nadu Public Service Commission had resulted in filing of the Contempt Petition (Civil) No.638 of 2017.

- h) The petitioners would submit that the seniority list published by their department in the year 1998 is not the subject matter before the Hon'ble Supreme Court. They would submit that the seniority list which was assailed before the Hon'ble Supreme Court was the seniority list issued on 29.04.2004. Therefore, according to the petitioners, the seniority list that was fixed in the year 1998 was neither challenged nor rescinded by the Supreme Court.
- i) In the said circumstances, the impugned order revising the seniority of all the Assistant Engineers recruited in the year 1997, in compliance with the judgment of the Hon'ble Supreme Court in Contempt Petition (Civil) No.638 of 2017 dated 01.10.2021 is erroneous, as the judgment of the Hon'ble Supreme Court deals with the seniority list of the candidates selected in selection process conducted in pursuance of the notification issued by TNPSC dated 10.09.1999, whereas the petitioner's appointment was in pursuance of the notification issued in the year 1997. Therefore, the petitioners are not bound by the above order of the Supreme Court



Thus aggrieved, the petitioners are before this Court.

5. The second respondent has filed the counter affidavit *inter alia* contending that the relief claimed in the writ petitions to quash its proceedings dated 20.10.2021, is not legally sustainable, in the light of the judgment of the Hon'ble Supreme Court in SLP (C) No.2886 of 2016, 2890-2894 of 2016 dated



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22.01.2016 and CP (C) No.638/2017 dated 01.10.2021. To put it in a nutshell, certain individuals who are aggrieved by the inter se seniority list published by TNPSC in the year 2004, had filed writ petitions before the Madras High Court in W.P.Nos.34957, 46868 of 2006 and W.P.No.29356 of 2006 and these writ petitions were dismissed by a learned Single Judge of this Court on the ground of delay and laches. Challenging the orders of the learned Single Judge, the said individuals preferred writ appeals before the Division Bench of this Court in W.A.Nos.2705, 2730, 2731 of 2012, W.A.Nos.2394 & 1033 of 2013 dated 31.03.2015, and these appeals came to be allowed. Challenging the order of the Division Bench, the Tamil Nadu Public Service Commission preferred SLP(C) before the Hon'ble Supreme Court in SLP(C) Nos.2890-2894 of 2016. The Apex Court, by a speaking order, had dismissed the said SLPs by judgment dated 22.01.2016. The individuals, contending non-compliance of the order of the Supreme Court by TNPSC, have filed the Contempt Petition (C) No.638 of 2017, Contempt Petition (C) No.1247/2019 in SLP (C) No.2886/2016, Contempt Petition (C) Nos.1848/2018 and 2188/2018 in SLP (C) No.2886 of 2018.

6. It is alleged in the counter that the question involved in this matter has been answered by the Division Bench of this Court by placing reliance on the



judgment of the Supreme Court in **Bimlesh Tanwar** case cited supra. The Division Bench in its judgment, has dealt with the issue of delay and laches, as also the application of Rule 35(f) of the General Rules of the Tamil Nadu State and Subordinate Services and had allowed the writ appeals. The second respondent would further submit that the SLPs preferred by the Tamil Nadu Public Service Commission challenging the orders of this Court in writ appeals has ended in dismissal with an observation that the fundamental principle relating to seniority list is that it should be based on merit list of selection and that the list drawn based on roster point has no application for the purpose of seniority list. The non-compliance of the orders of the Supreme Court in SLPs, ended in Contempt Petition (C) No.1247/2019 in SLP (C) No.2886/2016, Contempt Petition (C) Nos.1848/2018 and 2188/2018 in SLP (C) No.2886 of 2018, in which the Hon'ble Supreme Court has held as follows :

“ 29. direct the respondents to revise and publish the seniority list of the selectees, who were selected in the selection process conducted in pursuance of the notification issued by TNPSC dated 10th September 1999, strictly on the basis of the merit determined by it in the selection process and not on the basis of the roster point. The same shall be done within a period of 12 weeks from the date of this order.”

7. It is in this backdrop, the Tamil Nadu Public Service Commission vide



D.O. Letter No.2267/OTD-A4/1999 dated 12.10.2021, has revised the seniority list of Assistant Engineers who were all selected by direct recruitment in pursuant to the notification dated 26.09.1997, on the basis of merit and the same was communicated to them, the second respondent herein.

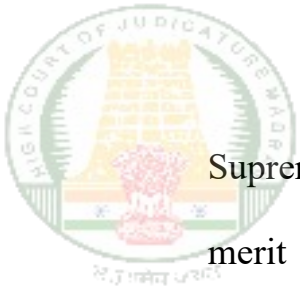
8. The second respondent would further submit that the petitioners were appointed as Assistant Engineers in the year 1998 and the seniority list was published by them (2nd respondent) in accordance with the instructions issued by the Tamil Nadu Public Service Commission in the year 1998. The petitioners were promoted as Assistant Executive Engineers in 2006 and the seniority list for the cadre of Assistant Executive Engineers was published in the year 2007. Thereafter, the petitioners were promoted as Executive Engineers in the year 2009. Be that as it may, in the year 2007, 'inter-se seniority' list among the degree holders and diploma holders were drawn according to the original seniority list existing prior to the year 1998. The present seniority was drawn by TNPSC on the basis of merit, in strict compliance of the orders of the Hon'ble Supreme Court. Therefore, the second respondent would contend that the petitioner challenging the impugned order is without merit and has no basis, and hence, sought to have the writ petitions dismissed.



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9. Heard the rival submissions and also perused the materials placed before this Court.

10. The issue on hand rests on a narrow compass as to whether the impugned order has been issued in due compliance of the orders of the Hon'ble Supreme Court. In this regard, an useful reference can be made to the order passed by the Hon'ble Supreme Court on 22.01.2016 in I.A.No.1-5/2015 in SLP(C) CC.No.14794 of 2015 & SLP(C) No.23070-23071 of 2015. The Hon'ble Supreme Court dismissed the said SLPs filed by the TNPSC by observing that the Division Bench of the High Court in its judgement dated 31.03.2015 in W.A.Nos.2730 of 2012, W.A.No.1033 of 2013, W.A.No.2705 of 2012 etc., from which the SLPs arose, had noted at that point in time that the TNPSC had drawn the list in 2000 and the same was in tune with the judgment of the Hon'ble Supreme Court in ***P.S.Ghalaut Vs State of Haryana and others*** reported in ***(1995) 5 SCC 625***. This list which was approved by the State Government, did not achieve finality and ultimately the seniority list came to be issued on 29.02.2004 and at that point in time, the judgment in ***Bimlesh Tanwar Vs State of Haryana*** reported in ***(2003) 5 SCC 604*** came into effect which reversed the earlier judgment in ***P.S.Ghalaut*** cited supra. The Hon'ble



Supreme Court had held that the drawal of the seniority list should be on the merit list of selection and not as per roster point. When the orders of the Supreme Court has not been complied with, the contempt petitions have been filed in Contempt Petition (Civil) No.638 of 2017 in Civil Appeal No.4954 of 2016, in which, the Hon'ble Supreme Court by its judgment dated 01.10.2021 had directed the State to revise and publish the seniority list of the selectees who were selected in the selection process conducted in pursuance of the notification issued by the TNPSC dated 10.09.1999, strictly on the basis of merit determined by it in the selection process and not as per roster point. The State was directed to complete the said exercise within a period of 12 weeks. It appears that the impugned seniority list has been prepared pursuant to these directions of the Hon'ble Supreme Court.

11. Thereafter, it transpires that the State has filed an application for clarification and the Hon'ble Supreme Court has passed the orders on 18.04.2023 and 09.05.2024 respectively. In the order dated 18.04.2023, the Hon'ble Supreme Court had observed that the list published by TNPSC in those selection process / seniority list shall stand frozen as on 10.03.2023 and it is only the selection process / seniority list after 10.03.2023 which has to be revisited in accordance with the judgment in ***Bimlesh Tanwar Vs State of***



Haryana reported in (2003) 5 SCC 604. An other application was filed before the Supreme Court in I.A.No.134752/2023 seeking clarification and modification of the order dated 18.04.2023 with condone delay petitions Contempt Petition (Civil) @ Diary No(s). 6415/2021 in SLP(C) No.2886/2016. Vide order dated 09.05.2024, the delay petitions were ordered and in the clarification petition, the Hon'ble Supreme Court has observed as follows :

*“ 5. We do not find that any clarification of the order passed by this Court is required. The order is very clear that all such seniority lists which have been published prior to 10.03.2003 shall stand frozen. It is only the seniority lists published after 10.03.2003 that will have to be revisited in accordance with the judgment of this Court in **Bimlesh Tanwar v. State of Haryana and Others**, reported in (2003) 5 SCC 604.*

6. The order is also clear that the seniority lists/selection processes conducted prior to 10.03.2003 and the seniority as attained in the lists published by the TNPSC in those selection processes/seniority lists shall also stand frozen. It is only the selection processes/seniority lists which were conducted after 10.03.2003 which will have to be revisited in accordance with the directions issued by this Court vide order dated 18.04.2023.”

12. Therefore, a reading of this order dated 09.05.2024, clearly shows that the seniority lists prepared prior to 10.03.2003 remains unchanged and it is only the seniority lists which has been prepared after 10.03.2003, requires

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revision in lines of the judgment in *Bimlesh Tanwar v. State of Haryana and Others*, reported in (2003) 5 SCC 604, that the same should be passed on merits and not on roster.

13. In the light of the clarificatory order dated 09.05.2024 passed by the Supreme Court, the impugned order revising the seniority list fixed in the year 1998 and 2001, cannot be sustained, as it is against the language and tenor of the orders of the Hon'ble Supreme Court in Contempt Petition (Civil) Nos.638 of 2017 & batch etc., Accordingly, the writ petitions stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

18.12.2025

Index : Yes / No
Neutral Citation : Yes / No
Speaking order / Non-speaking order
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To:

- 1.The Principal Secretary to Government
The State of Tamil Nadu
Rural Development and Panchayat Raj Department
Chennai.
- 2.The Director of Rural Development and Panchayat Raj
O/o. The Director of Rural Development and Panchayat Raj
Chennai – 600 015.
- 3.The Secretary
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P.T. ASHA, J,

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