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WP No. 12826 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2025

CORAM

THE HONOURABLE MR.JUSTICE T. VINOD KUMAR

**WP No. 12826 of 2019 &
WMP.Nos.13027 and 13028 of 2019**

1. Association of Tamilnadu
Highways Engineers, Rep.by its
General Secretary, 35V, Taluk Office
Road, Saidapet Cennnai-15 Chennai

Petitioner(s)

Vs

1. The Government of Tamil Nadu
rep. by its Secretry, Highways
Department, Fort St. George,
Chennai-9

2.The director General (Highways)
Highways Department, HRS Campus,
Guindy, Chennai-25

3.the Tamil Nadu Public Service
Commission,
Rep.By its Secretary, No.3, Frazer
Bridge Road, VOC Nagar Park Town,
chennai-3

Respondent(s)



PRAYER

Writ Petition filed under Art.226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records pertaining to the issue of impugned order namely G.O.Ms.No.82, Highways and Small Ports (KH2) Department, dated 08.05.2012 and quash the same.

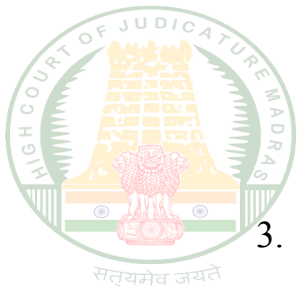
For Petitioner(s): Mr.N.Subramaniyan

For Respondent(s): Mr. R.L. Karthika,
Govt. Advocate for R1 & R2

ORDER

By this writ petition, the petitioner has assailed the action of the 1st respondent in issuing GO.Ms.No.82, Highways and Small Ports (KH2) Department dated 08.05.2012, whereby, the 1st respondent had fixed the cadre strength between Assistant Engineers and Junior Engineers in respect of 972 vacancies in the ratio of 75% and 25% as being contrary to Rule 18(a) of the TamilNadu Highways Engineering Service Rules, 1956 [in short 'Rules'].

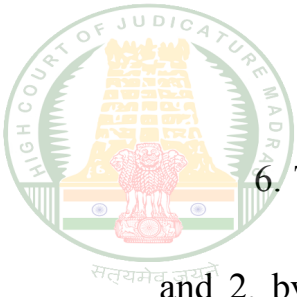
2. Heard Mr. N.Subramaniyan, learned counsel appearing for the petitioner, Mrs.R.L.Karthika, learned Govt. Advocate appearing for the respondents 1 and 2 and Mr.R.Bharanidharan, learned Standing Counsel appearing for the 3rd respondent.



3. The learned counsel for the petitioner submitted that though the 1st respondent, by the aforesaid GO issued, sought to fix the cadre strength of Assistant Engineers and Junior Engineers in respect of 972 vacancies, by the counter affidavit filed, have indicated that the impugned GO is not adopted.

4. The learned counsel for the petitioner further submitted that the 2nd respondent, by their counter affidavit had categorically stated that the 1st respondent had initiated proposals for amending the Rules (Special Rules) for all post in various Departments and it is in final stage which includes the subject matter also.

5. Learned counsel for the petitioner thus submits that since the respondents, by their counter affidavit, having categorically stated that the GO.Ms.No.82 which is impugned herein, has not been adopted till date and only Rule 18(a) of the Rules is being followed, the said statement made by the 2nd respondent by their counter affidavit may be taken on record for disposing the present writ petition.



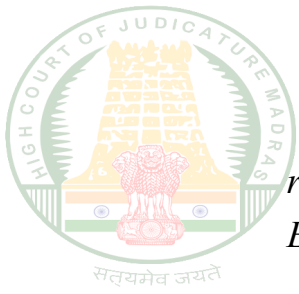
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6. The learned Govt. Advocate appearing on behalf of the respondents 1 and 2, by drawing attention of this Court to the paragraphs 10 to 12 of the counter affidavit would submit that the respondents are not implementing GO.Ms.No.82 and are only following Rule 18(a) of the Rules and as such, the present writ petition has become infructuous.

7. I have taken note of the aforesaid submissions. The 2nd respondent, by the counter affidavit filed on behalf of the said respondent as well as on behalf of the 1st respondent in paragraphs 10 to 12, has categorically stated as under:

'10. In this department, arrival of estimate of vacancies for the posts including Assistant and the various posts in other departments recruited by TNPSC is based on the ratio of the arising vacancies every year. The filling up of vacancies for the estimate of vacancies arrived every year is being done based on the Tamil Nadu Highways Engineering Service Rule 18(1), which was in practice prior to G.O.82. Further, the proposals of amendments of rules (Special rules) for all the posts in various departments has been initiated by the Government and it is in final stage, which includes the subject matter also. Based on the final decision by the Government recruitment rules will be followed.

11. It is submitted that, during the review of the special rules for Highways Department, has been decided to further review certain clauses which includes



recruitment ratio/Cadre strength between Assistant Engineers/Junior Engineers.

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12. It is submitted that till date, only rule 18(a) of the Tamil Nadu Highways Engineering Service Rule is followed and G.O.Ms.No.82 Highways and Minor Ports department dated 8.5.2012 is not adopted.'

8. Since the respondent by counter affidavit having categorically made an assertion before this Court that GO.Ms.No.82, dated 08.05.2012 is not adopted and that the respondents are only following Rule 18(a) of the Rules, this Court is of the considered view that the grievance of the petitioner in the present writ petition stands redressed and there is no necessity for this Court to test the *vires* of the aforesaid G.O.

9. Accordingly, placing the aforesaid assertion made on behalf of the respondents on record, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

msr

20-08-2025

Index: Yes/No

Speaking/Non-speaking order

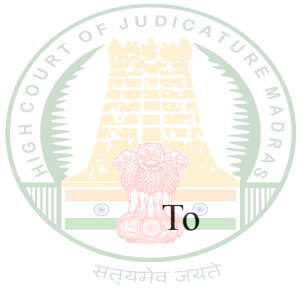
Internet: Yes



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