



W.P. No. 19745 of 2019

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 04.04.2025**

**CORAM**

**THE HON'BLE Ms. JUSTICE R.N.MANJULA**

**W.P. No. 19745 of 2019**

V.Palanisamy

... Petitioner

-VS-

1.The Superintending Engineer  
TWAD Board, Salem Circle  
Salem.

2.The Executive Engineer  
TWAD Board  
Maintenance Division  
Then Major Project Division I  
No.21/12, Third East Cross Road  
Gandhi Nagar, Vellore-6.

... Respondents

**Prayer:-** Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the respondents to reckon the service rendered by the petitioner in the post of Draughting Officer from 23.12.1986 till 04.08.1991 along with Junior Engineer for the purpose of awarding selection grade and special grade in the post of Junior Engineer on 23.12.1996 and 23.12.2006 respectively with all monetary benefits including revised pensionary benefits.

For Petitioner : Ms.T.Hemalatha

For Respondents : Mr.S.Silambanan, Senior Counsel  
Assisted by M/s.S.Shahila Banu (SC) (TWAD)



W.P. No. 19745 of 2019

## ORDER

WEB COPY

This petitioner has filed this writ petition for a direction to the respondents to reckon the service rendered by the petitioner in the post of Draughting Officer from 23.12.1986 till 04.08.1991 along with Junior Engineer for the purpose of awarding selection grade and special grade in the post of Junior Engineer on 23.12.1996 and 23.12.2006 respectively with all monetary benefits including revised pensionary benefits.

2. Heard Ms.T.Hemalatha, learned counsel for the petitioner and Mr.S.Silambanan, learned Senior Counsel, assisted by Ms.S.Shahila Banu, learned Standing Counsel for the respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. The petitioner has attained the age of superannuation on 31.03.2016 in the post of Assistant Executive Engineer in the first respondent TWAD Board. The petitioner has been initially appointed as Draftsman Grade-III on 19.08.1981 and promoted as Draughting Officer with effect from 23.12.1986 and thereafter, appointed as Junior Engineer on 05.08.1991.



W.P. No. 19745 of 2019

WEB COPY

4. The learned counsel for the petitioner submitted that as the scale of pay of Draughting Officer and Junior Engineer are identical, it is claimed by the petitioner that the services rendered by him as the Draughting Officer ought to have been counted for awarding selection grade in the post of Junior Engineer and if so counted, the petitioner would have been given with the selection grade in the post of Junior Engineer on 23.12.1996. As the petitioner has been given with selection grade with effect from 05.08.2001 by counting the service rendered in the post of Junior Engineer from 05.08.1991, the petitioner has filed this writ petition claiming that the services rendered by him in the post of Draughting Officer should also be counted for awarding selection grade in the post of Junior Engineer.

5. The learned counsel for the petitioner relied on the Government Order issued in G.O.Ms.No.210, Personnel and Administrative Reforms (PER.S) Department, dated 11.03.1987 in support of her contention. In the said Government Order, it has been stated that the services rendered in the selection grade of the lower post may also be counted in the promoted post provided that the selection grade scale of the lower post is identical to the ordinary grade scale of the higher post and that the concession will be allowed only at the first



W.P. No. 19745 of 2019

promotion level. For the sake of clarity, the relevant part of the above

WEB GOV Government Order is extracted hereunder:-

“ *The Government in their orders read above have issued guidelines for advancement to Selection Grade /Special Grade in various categories, based on the recommendations of the Fourth Tamil Nadu Pay Commission. The One Man Committee has now recommend as follows:-*

“ *Services in the Selection Grade of the lower post may also be counted for the Selection Grade in the promoted post provided that the Selection Grade Scale of the lower post is identical to the Ordinary Grade of the higher post, and that this concession may be allowed only at the first promotion level. This will mainly result in some pensionary benefits to these categories.*

*In the case of posts with different grades, persons with 10 years or more of service may be advanced to Grade-I and those with 20 years or more may be advanced to Selection Grade of Grade – I.”*

2. *The Government after careful examination accept the*



W.P. No. 19745 of 2019

WEB COPY

*recommendation of the One Man Committee and direct that the*

*counted for the Selection Grade in the promoted post provided*

*that the Selection Grade scale of the lower post is identical to*

*the Ordinary Grade scale of the higher post, and that the*

*concession be allowed only at the first promotion level.*

*Government also direct that in the case of posts with different*

*grades one who has put in 10 years or more of service in the*

*lower post (e.g. Grade-II) shall be advanced to the next higher*

*post (i.e. Grade-I) under the scheme of Flexible Complementing*

*and one with a service of 20 years or more be advanced to*

*Selection Grade of the higher post (i.e. Grade-I) wherever it has*

*already been provided.*

*3. These orders shall take notional effect from 01.10.1984*

*for the purpose of fixation of pay with monetary benefit from*

*01.04.1986.”*

6. The learned Senior Counsel appearing for the respondents submitted that the petitioner has approached the Court after 3 years of his retirement and after 20 years from the date of cause of action and hence, this writ petition is hit by delay and *laches*. He further submitted that as the petitioner has been appointed



W.P. No. 19745 of 2019

as Junior Engineer through direct recruitment on 05.08.1991 and only in that

post, the petitioner had derived the benefits of selection grade and special grade.

7. Whatever may be the merits of the case, it is not disputed that the second respondent has forwarded the proposal in Lr.No.4121/2006/EA/F5 dated 16.03.2006 to the first respondent for revising the selection grade to the petitioner in the post of Junior Engineer. Considering the said fact, the first respondent is directed to consider the said proposal and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

8. In view of the above direction, this writ petition is disposed of. No costs.

04.04.2025

Index: Yes/No

Internet: Yes/No

Speaking /Non-speaking order

*Maya*

To

1.The Superintending Engineer  
TWAD Board, Salem Circle



Salem.



W.P. No. 19745 of 2019

WEB COPY

2. The Executive Engineer  
TWAD Board  
Maintenance Division  
Then Major Project Division I  
No.21/12, Third East Cross Road  
Gandhi Nagar, Vellore-6.



WEB COPY



**W.P. No. 19745 of 2019**

**R.N.MANJULA, J.**

*Maya*

**W.P. No. 19745 of 2019**

**Dated : 04.04.2025**