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+ IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 26.11.2025

Pronounced on : 04.12.2025

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

WP.No.31997 of 2023

1.V.Sivakumar
2.K.Muthumani

... Petitioners

Vs.

1.THE SECRETARY TO GOVERNMENT,
WATER RESOURCES DEPARTMENT, FORT ST. GEORGE,
CHENNAI-09

2.THE ENGINEER IN CHIEF (WRO)
CUM CHIEF ENGINEER (GENERAL), WATER RESOURCES
DEPARTMENT, CHEPAUK, CHENNAI-05. ... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in proceedings letter Nos.5594/ A2/ 2014-8 and 5594/ A2/ 2014-10 dated 22.01.2015 and quash the same and direct the respondents to promote the petitioners as Assistant Executive Engineer retrospectively in a panel of the year 2010-2011 and 2013-2014 as per



Rule 5 a(ii) of Special Rules of the Tamilnadu Engineering Service under 5th vacancy(every 20th vacancy in the panel) quota earmarked for Junior Engineer promoted from Draughtsman / Overseer category with all service and attended benefits within a stipulated period

For Petitioners : Mr.M.Loganathan

For Respondents : Mr.R.U.Dinesh Rajkumar,
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 22.01.2015 thereby rejecting the request made by the petitioners seeking promotion as Assistant Executive Engineer, in the panel of the year 2010-2011 and 2013-2014 respectively.

2. The petitioners were Diploma holders and they were appointed to the post of Irrigation Inspector. Subsequently, they were promoted to the post of Overseer, Junior Engineer and thereafter re-designated as Assistant Engineer. Now they have been promoted to the post of Assistant Executive Engineer. Their promotions and regularisations are subject to the outcome of original application in



OA.No.1552 of 2003, which was subsequently transferred to this Court

and re-numbered as WP.No.17351 of 2007 filed by the Association of Engineers challenging the proceedings of the Government dated 31.03.2003 and 09.04.2003 on the 3:1 ratio prescribed for promotion to the post of Assistant Executive Engineer. The petitioners subsequently acquired the Bachelor of Engineering degree and they were eligible to be promoted as Assistant Executive Engineer from the year 2009. While being so, the second respondent cancelled their regularisation by an order dated 13.12.2010 on account of the above said case. Therefore, it was challenged before this Court in WP.No.2158 of 2011 and the same was allowed by an order dated 08.10.2013, thereby directing the respondents to restore their regularisation order. Pending the case, the names of the petitioners were deferred while drawing the panel for promotion to the post of Assistant Executive Engineer of the year 2010-2011. Subsequently the said OA.No.1552 of 2003 was dismissed by an order dated 27.08.2013 and even then, the request of the petitioners to add them in the panel for the year 2010-2011 was not considered . Subsequently another panel for promotion to the post of Assistant Executive Engineer was issued in the year 2013-2014 without considering the petitioners' names.



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3. Therefore, the petitioners filed writ petition in WP.No.5946 of 2014 challenging the panel insofar as non inclusion of them. It was allowed by an order dated 08.08.2014 by this Court thereby directing to include their names in the current panel with liberty to claim promotion from anterior date. However, their request for promotion from anterior date was rejected by the first respondent by the impugned letter dated 22.01.2015 for the reason that the category of Draughtsman alone is eligible to be promoted.

4. The learned counsel appearing for the petitioners submitted that the impugned letter stating that the category of Draughtsman alone shall be eligible to be promoted is totally baseless to the effect that as per Rule 5 of the Special Rules for the Tamilnadu Engineering Service specifies the terms Draughtsman / Overseer and the word 'total service' means the service as Draughtsman /Overseer / Junior Engineer altogether and not just 10 years of service as Junior Engineer alone. Therefore, the petitioners were fully eligible to be promoted as Assistant Executive Engineer. The rules in GO.Ms.No.1582 dated 11.09.1985 says that in case of Draughtsman and Overseer of Tamilnadu Engineering Subordinate



Service promoted as Junior Engineer of the same service, the selection for appointment as Assistant Executive Engineer shall be made from among those eligible with qualifying service irrespective of their seniority in the category of Junior Engineer in the same service.

5. Heard the learned counsel appearing on either side and perused all the materials placed before this Court.

6. On perusal of the counter filed by the respondents and also on the submissions of the learned Additional Government Pleader appearing for the respondents, it is revealed that the panel for the post of Assistant Executive Engineer for the year 2010-2011 on temporary basis was approved by the first respondent. Thereafter, the first respondent informed the petitioners by its communication dated 22.01.2015 that the petitioners can be considered for promotion to the post of Assistant Executive Engineer only based on the seniority of Junior Engineer post, since the petitioners did not reach the zone of consideration for appointment by recruitment by transfer to the post of Assistant Executive Engineer in the Junior Engineer seniority for the reason that many employees who are seniors to the petitioners are still awaiting their

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promotion. Even before that, by the communication dated 23.03.2013, the petitioners were informed that they would be informed and be considered when their turn reaches for promotion to the post of Assistant Executive Engineer. Therefore, the petitioners were not eligible to be included in the panel of the year 2010-2011 for promotion to the post of Assistant Executive Engineer. That apart, they were juniors and the persons who were appointed as Junior Engineer upto 1997 alone were considered for inclusion in the panel of the year 2010-2011 for promotion to the post of Assistant Executive Engineer. The petitioners were regularised in the post of Junior Engineer on 30.01.2014 and as such they were not eligible to be included in the panel for the year 2010-2011 as well as 2013-2014 for promotion to the post of Assistant Executive Engineer as on the crucial date of 01.04.2010 and 01.04.2013. The post of Assistant Executive Engineer is to be filled by direct recruitment or promotion from Assistants Engineer or recruitment by transfer from Junior Engineer, Head Draughtsman or Draughtsman Grade-I of the Tamilnadu Engineering Subordinate Service.

7. Accordingly, the first three vacancies shall be filled over by promotion or by recruitment by transfer. The fourth vacancy shall be



filled by recruitment by transfer from the Junior Engineers of the Tamilnadu Engineering Subordinate Service (excluding Junior Engineers promoted from the rank of Draughtsman and Overseer in the same service) having put in service for a period of not less than 10 years and from Junior Engineers of the Tamilnadu Engineering Subordinate Service promoted from the rank of Draughtsman or Overseers in the same service with upper subordinate or LCE diploma of the College of Engineering, Guindy or LME or LAE Diploma of the Technical Diploma Examination Board, Madras having put in service for a period of not less than 15 years or with lower subordinate qualification having put in service for a period of not less than 18 years. Further, in the case of Draughtsman and Overseer of Tamilnadu Engineering Subordinate Service promoted as Junior Engineers of the same service, selection for appointment as Assistant Executive Engineer shall be made from among those eligible with qualifying service irrespective of their seniority in the category of Junior Engineers in the same service. Therefore, out of five vacancies, the first four vacancies shall be filled by recruitment by transfer from among Junior Engineers and the fifth vacancy shall be filled by transfer from among Head Draughtsman and Draughtsman Grade-I.



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8. Therefore, although the post of Overseer continued to be in existence i.e. 5 years after the Government order dated 22.12.1986, the provision of quota for Junior Engineers promoted from the post of Overseers/ Draughtsman for promotion to the post of Assistant Executive Engineer ceased to exist in view of the amendments issued in GO.Ms.No.3037 Public Works Department dated 22.12.1986. Therefore, the petitioners were rightly deferred to be include in the panel for the year 2010-2011 and 2013-2014 respectively for promotion to the post of Assistant Executive Engineer. Hence, this Court finds no infirmity or illegality in the impugned order, As such, this writ petition is devoid of merits and the same is liable to be dismissed.

9. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

04.12.2025

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

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G.K.ILANTHIRAIYAN, J.

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