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W.A.No.3159 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE S. SOUNTHAR

W.A.No.3159 of 2025

1. Government of Tamil Nadu
Rep. by its Secretary to Government
Public Works Department, Fort St. George
Chennai – 600 009.
2. The Engineer-in-Chief (WRO) & the Chief Engineer (General)
Public Works Department
Now re-designated as
Engineer-in-Chief in Buildings and
The Chief Engineer Buildings &
Chief Engineer General (Chennai) Region
Chepauk, Chennai – 600 005. .. Appellants

Vs.

A.Senthil Kumar .. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent, against
the order dated 24.11.2023 made in W.P.No.4080 of 2012.

For the Appellants : Mr.J.Ravindran
Additional Advocate General
assisted by Mr.M.Alagu Goutham
Government Advocate

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order
passed by the Writ Court dated 24.11.2023 made in W.P.No.4080 of
2012.



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2. That the respondent/writ petitioner was selected by the Tamil Nadu Public Service Commission¹ for appointment to the post of Assistant Engineer and the selection list was dated 10.09.2007, but, he was not appointed immediately, because, certain clarifications were sought by the Appointing Authority with regard to the qualification as to whether the same is equal to the requisite qualification.

3. This position continued for a year and ultimately, he was given appointment order only on 11.10.2008. Therefore, after one year of the date of selection, he alone was given appointment order only in the year 2008 and thereafter, he joined service as Assistant Engineer (Civil).

4. In this context, it is to be noted that, as per the selection list published and forwarded by the TNPSC, the respondent/writ petitioner stood in the position at Si.No.288, whereas, the junior, who was in Si.No.340, was given lot of benefits, including seniority. Therefore, in order to claim seniority as per the selection list made by the TNPSC, his initial seniority now has to be drawn only on the basis of the merit list, that is the merit selection list finally approved

¹ For brevity, hereinafter referred as "TNPSC"



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and forwarded by the Selection Authorities, namely, the TNPSC, such plea was raised by the respondent/writ petitioner and also for a consequential relief of monetary benefits, including salary.

5. When that was rejected through the order dated 25.09.2009, the same was under challenge before the Writ Court by filing the said writ petition.

6. The learned Writ Court, having considering the said writ petition, was hearing the learned counsel appearing for the writ petitioner/respondent, who, in fact, has confined his prayer only to the extent of relief sought for maintaining the seniority of the respondent/writ petitioner and not for the consequential benefits in terms of the Rules governing the situation and has given up the claim in respect of the payment of salary and other benefits prior to the date of appointment of the respondent/writ petitioner as Assistant Engineer (Civil).

7. It is further to be noted that, in the counter affidavit filed on behalf of the present appellants, who stood as respondents in the writ petition, they have admitted to state that, insofar as the seniority position of the respondent/writ petitioner is concerned, the



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seniority provided by the TNPSC would be maintained in-tact and there would not be any changes in that.

8. Therefore, insofar as the claim of the respondent/writ petitioner for maintaining the seniority in terms of the selection list drawn by the TNPSC and for consequential benefits, the Writ Court, having taken into account the stand taken by the learned counsel for the respondent/writ petitioner as well as the respondents therein, who are the appellants herein, has come to the conclusion that, the respondent/writ petitioner would be entitled to get the seniority as has been drawn by the TNPSC and correspondingly, his seniority to be reckoned only on the basis of the seniority list or merit list provided by the TNPSC, but, at the same time, insofar as the monetary benefits are concerned, since it has been given up by the respondent/writ petitioner through the counsel who appeared before the Writ Court, the learned Writ Court, in paragraphs 6 and 7, has passed the order stating that, the seniority of the respondent/writ petitioner shall be maintained by the respondents therein in the post of Assistant Engineer (Civil) in terms of the selection list drawn by TNPSC and in terms of or by virtue of the seniority, if he is entitled to stepping up, refixation or otherwise in terms of the relevant Rules, including the Fundamental Rules, the



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respondent/writ petitioner is granted liberty to make representation for grant of such relief and if such a request is made by the respondent/writ petitioner, the respondents therein, who are the appellants herein, shall consider the same and pass appropriate orders was the relief granted by the Writ Court.

9. Aggrieved over the relief granted by the Writ Court, though the present writ appeal has been filed by the appellants, *Mr.J.Ravindran*, learned Additional Advocate General appearing for the appellants would submit that, once the monetary benefits sought, except the seniority position claimed by the writ petitioner/respondent, since was given up by the learned counsel who appeared for the respondent/writ petitioner before the Writ Court and having recorded the same in paragraph 5 of the impugned order, the learned Writ Court ought not to have proceeded further by giving an observation in paragraph 6 to state that, merely because the respondent/writ petitioner joined at a later point of time, it is not his fault, but the same is because of the reasons beyond his control and also for want of necessary clarification sought by the respondents therein, that is the appellants herein, from the University, where he studied, therefore, the respondent/writ petitioner is entitled for grant of relief, granting



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seniority in terms of the selection list drawn by the TNPSC.

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10. In fact, according to the learned Additional Advocate General, the appellants are aggrieved out of this part, because, by taking advantage of this observation, the respondent/writ petitioner shall not claim any other benefits other than seniority.

11. Such apprehension, in our considered view, is a misconceived one because, the seniority of the respondent/writ petitioner is to be maintained based on the merit list supplied by the TNPSC, as submitted by the appellants, who stood as the respondents before the Writ Court, which has been recorded by the Writ Court. Insofar as the seniority benefits claimed by the respondent/writ petitioner prior to his joining actually in the position of Assistant Engineer (Civil) is concerned, those benefits have been denied by the Writ Court, therefore, that position also has been made in-tact.

12. When that being the position, there could be no further apprehension on the part of the appellants to state that further relief could be claimed by the respondent/writ petitioner in future based on the decision of the Writ Court, which is impugned herein.



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13. Therefore, merely based on such apprehension, if this writ appeal is filed, the same is liable to be rejected and hence, with the aforesaid observations, this writ appeal is dismissed. Regarding the compliance of the orders passed by the Writ Court to declare the explicit seniority position of the respondent/writ petitioner as per the merit list drawn by the TNPSC, one month's time is granted. There shall be no order as to costs. Consequently, C.M.P.No.25707 of 2025 is closed.

(R.S.K., J.)

(S.S., J.)

23.10.2025

Speaking Order/Non-Speaking Order

Neutral Citation: Yes/No

Internet: Yes/No

Index: Yes/No

(drm)

To:

1. The Secretary to Government
Government of Tamil Nadu
Public Works Department, Fort St. George
Chennai – 600 009.
2. The Engineer-in-Chief (WRO) & the Chief Engineer (General)
Public Works Department
Now re-designated as
Engineer-in-Chief in Buildings and
The Chief Engineer Buildings &
Chief Engineer General (Chennai) Region
Chepauk, Chennai – 600 005.



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R. SURESH KUMAR, J.
AND
S. SOUNTHAR, J.

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