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W.P.No.33640 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2025

CORAM

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

W.P.No.33640 of 2023

AM.Asokan

.... Petitioner

Vs

1.The Government of Tamil Nadu,
Rep. by Additional Chief Secretary,
Water Resources Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Engineer-in-Chief and Chief Engineer (General),
Water Resources Department,
Chepauk, Chennai – 600 005.

.... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in connection with the impugned order passed by him in Letter No.1766/A1/2023-6 dated 20.09.2023 and quash the same and direct the respondents to revise the petitioner's seniority in the cadre of Assistant Engineer from the petitioner's initial date of appointment and consequently re-fix the seniority in the posts of Assistant Executive Engineer, Executive Engineer, Superintending Engineer and the Chief Engineer with all resultant monetary and other service benefits.

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For Petitioner : Mr.K.Venkataramani
Senior Counsel
for Mr.M.Muthappan

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 20.09.2023 passed by the first respondent, thereby rejecting the request made by the petitioner to revise his seniority in the cadre of Assistant Engineer from his initial date of appointment and to re-fix his seniority in the posts of Assistant Executive Engineer, Executive Engineer, Superintending Engineer and the Chief Engineer with all monetary and other service benefits.

2.Heard the learned counsel appearing on either side and perused the materials available on record.

3.The petitioner was appointed as Assistant Engineer by the second respondent on 06.09.1983 under the Rule 10(a)(1) of the General Rules for State and Subordinate Service Rules (General Rules) and joined the post on



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06.09.1983. The petitioner was selected through Tamil Nadu Public Service Commission and his service was regularized by order dated 15.04.1986 from the date of his initial appointment.

4.A perusal of the counter affidavit filed by the second respondent and the submissions made by the learned Additional Government Pleader reveals that the petitioner was appointed as Assistant Engineer under Rule 10(a)(1) on 06.09.1983 and his services were regularized under Rule 23(a)(1). The petitioner's seniority was fixed as 115 by strictly following the rule of reservation and the order of rotation as per Schedule-V, based on the TNPSC ranking for the year 1983-1985 selection, which was adopted by the second respondent. The petitioner did not challenge the seniority at the relevant time. Retrospective regularisation does not confer any right to seek revision of seniority without the concurrence of the TNPSC.

5.Further, it is revealed that as per Rule 23(a)(i) of the General Rules and Section 40(1) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, seniority is determined by the order of placement in the list prepared by the recruiting agency, based on TNPSC ranking and



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reservation policy, and not by the date of commencement of probation.

Accordingly, the seniority already fixed for the petitioner is lawful and valid. It is also observed that the case of N.N.Thiagarajan relied upon by the petitioner is distinguishable and inapplicable. In that case, the revision of seniority was granted only pursuant to specific judicial orders, which were in personam and cannot be applied generally. The petitioner himself has admitted that the TNPSC has categorically stated that seniority cannot be revised from the date of temporary appointment. Hence, no parity can be claimed.

6. Therefore, the petitioner submitted a representation seeking revision of his seniority in the cadre of Assistant Engineer from the date of his initial appointment, on par with one N.N.Thiyagarajan, who was appointed and joined on 15.08.1984, i.e. after the appointment of the petitioner. The request was duly considered and a detailed order was passed on 08.12.2020, restoring the seniority in the posts of Assistant Executive Engineer, Executive Engineer, Superintending Engineer and the Chief Engineer. However, the case of the petitioner was rejected by non-speaking order dated 20.09.2023.



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7. In view of the above, the order passed by the first respondent cannot be sustained on the sole ground that without considering any of the grounds raised by the petitioner. Accordingly, the order dated 20.09.2023 passed by the first respondent, is hereby quashed. The matter is remitted back to the first respondent for passing fresh order, in the light of the order passed in favour of one N.N.Thiyagarajan in GO(D) No.199, Public Works (A1) Department, dated 08.12.2020, within a period of six weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition stands allowed. No costs.

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Neutral citation : Yes/No
Index: Yes/No
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To

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1.The Additional Chief Secretary,
Water Resources Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Engineer-in-Chief and Chief Engineer (General),
Water Resources Department,
Chepauk, Chennai – 600 005.



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