

W.P.(MD) No.22407 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved On : 16.07.2025

Pronounced On : 21 .07.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.22407 of 2016

A.Chandraraj
3/845, A-34, Mullai Street,
West Bharathi Nagar,
Mugavai Timber Near,
Paramakudi - 623707. ... Petitioner

Vs.

1.The Managing Director
Tamilnadu Water Supply and Drainage Board
No.31, Kamarajar Salai, Chepauk,
Chennai – 600005.

2. The Executive Engineer
Tamil Nadu Water Supply and Drainage Board
Maintenance Division, Ramnad. ... Respondents

PRAYER in W.P.:

To issue a Writ of Certiorarified Mandamus or any other appropriate writ or order or direction in the nature of Writ calling for the impugned letter issued by the Second Respondent vide Lr.No. F.A.Chandraraj/A7/2014 dated 17.11.2014 and quash the same and direct the First Respondent to regularize the service of the petitioner as Electrician Grade I from the date of his appointment i.e., 20.05.1981 and



W.P.(MD) No.22407 of 2016

allow him to enjoy all the benefits of such regularized service retrospectively and pass such further order as this Court may deem fit and proper in the circumstances of the case and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner : Mr.T.S.Mohamed Mohideen
for Mr.J.Ashok

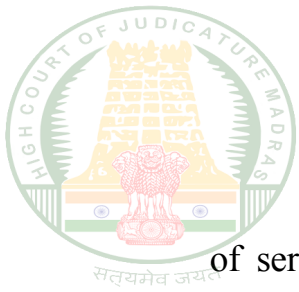
For Respondents : Mr.R.Satheesh
Standing Counsel

J U D G M E N T

Heard.

2. The petitioner has filed this writ petition praying for issuance of a writ of certiorarified mandamus to quash the order dated 17.11.2014 passed by the second respondent and to consequently direct the respondents to regularise the service of the petitioner to the post of Electrician Grade I with effect from 20.05.1981, with all benefits.

3. The petitioner was initially appointed on daily wage basis as Electrician Grade III in the Tamil Nadu Water Supply and Drainage (TWAD) Board on 16.05.1981, through the Employment Exchange under the Nominal Muster Roll (NMR) category. After putting in about 10 years



W.P.(MD) No.22407 of 2016

of service, the petitioner was brought into the regular establishment on 16.10.1992 and his service was regularised with effect from 15.09.1982 F.N. by proceedings in 2202/A4/FWLE(Gr)/2000, dated 19.04.2000, in the post of Pump Operator, which was the category for which he was then qualified. According to the petitioner although he possessed an ITI Certificate in Wireman trade and was deployed to perform the duties of an electrician from the outset, he was erroneously designated as a “Pump Operator”. This error in designation was not rectified for several years.

4. It was only by proceedings of the TWAD Board dated 04.06.2001 that the petitioner was finally re-designated as Electrician Grade II, with effect from 01.07.2001, following a recommendation by the Executive Engineer.

5. The petitioner claims that he was all along performing the duties of an Electrician and not a Pump Operator, and that he had acquired significant experience in the electrical section. Based on this claim and after persistent representations made over several years, the TWAD Board, through its proceedings dated 04.06.2001, converted his designation from Pump Operator to Electrician Grade II.

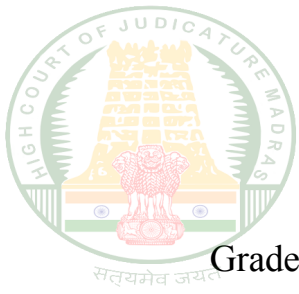


W.P.(MD) No.22407 of 2016

WEB COPY

6. Thereafter, the petitioner sought regularization as Electrician Grade I, claiming that he should be deemed to have held the post of Electrician Grade I from the date of initial appointment in 1981 itself and therefore, was entitled to be considered for regularization to Grade I retrospectively. However, this request was rejected by the second respondent by proceedings dated 17.11.2014, on the ground that the petitioner had not passed the SSLC examination and hence did not satisfy the minimum general educational qualification required for appointment of Electrician Grade I.

7. The said rejection is challenged in the present writ petition. The petitioner contends that the rejection is erroneous. He submits that he had appeared for SSLC under the old 11-year pattern and, as per the clarifications issued by the Tamil Nadu Public Service Commission (TNPSC) and the Government, a candidate who had appeared under the old system is to be treated as possessing the minimum general educational qualification. He further contends that he held an ITI certificate in Wireman trade and had the requisite two years of experience as an Electrician, thereby fulfilling all criteria for regularization to Electrician



W.P.(MD) No.22407 of 2016

Grade I. He therefore argues that the rejection order is liable to be quashed and that he should have been regularized to Electrician Grade I from the date of his initial appointment.

8. Per contra, the respondents have filed a counter affidavit relying on the petitioner's own service register, which records that he had in fact failed the SSLC exam in March 1974. They further state that although he held the ITI Wireman certificate, the requirement of SSLC qualification is a statutory precondition under the Board's service regulations for promotion to Electrician Grade I, and hence, his claim was rightly rejected.

9. This Court is unable to accept the petitioner's claim. The post of Pump Operator, as per Regulation 23 of the Tamil Nadu Water Supply and Drainage Board Service Regulations 1972 required the minimum educational qualification of 8th Standard pass and an ITI certificate in Wireman trade. The petitioner fulfilled these qualifications at the time of his regularization. He was accordingly absorbed in the Pump Operator cadre, and his name was shown under that category in proceeding dated 1992. Subsequently as aforesaid by proceeding dated 04.01.2001, the



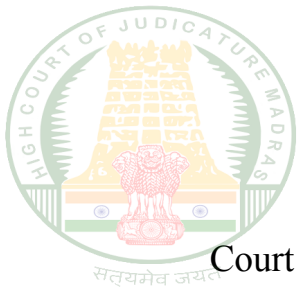
W.P.(MD) No.22407 of 2016

petitioner was recommended for appointment as Electrician Grade II based on his experience. The qualification for Electrician Grade II is a Pass in VIII Standard, an ITI Certificate in the Trade of Electrician with two years of experience in the type of work. It is significant to note that this conversion thus was not made on the basis of his eligibility or qualification for initial appointment as Electrician Grade II, but was only done as a matter of administrative adjustment on account of his long-standing service and representations.

10. Further, the minimum qualification prescribed for the post of Electrician Grade I under the TWAD Board norms is:

1. A pass in SSLC or its equivalent
2. An ITI certificate
3. A minimum of two years of experience in electrical work.

The petitioner failed in the SSLC examination held in March 1974, as recorded in his Service Register. The impugned order refers to this fact and holds that the petitioner does not meet the educational qualification criterion. The petitioner claims benefit of certain TNPSC clarifications and Government orders treating those who appeared in SSLC under the 11-year pattern as qualified. No such order has been produced before this



W.P.(MD) No.22407 of 2016

Court to demonstrate its binding nature or applicability to promotions in the TWAD Board. Moreover, those clarifications if any are not referred to in the petitioner's service record, nor has any competent authority certified that he should be treated as an SSLC-pass candidate.

11. Even that his SSLC qualification could be relaxed, it is equally important to note that the petitioner does not possess an ITI certificate in the trade of Electrician. What he holds is an ITI certificate in the Wireman trade, which, although related, is not the prescribed qualification for Electrician Grade II. The petitioner has attempted to argue that the impugned order does not cite that he does not possess the required ITI certificate, but that does not advance his case. The petitioner cannot be regularized to a post for which he does not meet the essential qualifications, whether or not the administrative rejection order elaborated all grounds.

12. The petitioner's promotion to Electrician Grade II was itself a conversion of post and not a result of promotion through due process. He was not eligible for initial appointment to that post under the service rules, but was accommodated owing to long service.



W.P.(MD) No.22407 of 2016

WEB COPY

13. Apart from this, the writ petition also suffers from undue delay and laches. The petitioner seeks a retrospective regularization to Electrician Grade I from the year 1981, whereas his conversion to Electrician Grade II was effected only in 2001. Pertinently, he made no challenge or claim for Grade I since 1992. The petitioner accepted his designation as Pump Operator and served and so his contention that he was erroneously designated as Pump Operator which lead to further detriment to rising up the cadre is all misconceived. It is only after the passing of the impugned rejection order in 2014 and that too, two years later in 2016, and after his retirement that he has approached this Court.

14. For all the aforesaid reasons, this Court finds no merit in the writ petition. The prayer for regularization as Electrician Grade I with retrospective effect from 20.05.1981 is wholly misconceived and legally unsustainable. The writ petition is also barred by delay and laches.



W.P.(MD) No.22407 of 2016

WEB COPY

15. In the result, the writ petition is dismissed. There shall be no order as to costs.

.07.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
LS

To

1.The Managing Director
Tamilnadu Water Supply and Drainage Board
No.31, Kamarajar Salai,
Chepauk,
Chennai – 600005.

2. The Executive Engineer
Tamil Nadu Water Supply and Drainage Board
Maintenance Division,
Ramnad.



WEB COPY



W.P.(MD) No.22407 of 2016

DR. A.D. MARIA CLETE, J

LS

Pre-delivery Judgment made in
W.P. (MD) No.22407 of 2016

.07.2025