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IN THE HIGH COURT OF JUDICATURE AT MADRAS

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| ***Reserved on*** | 27.10.2026 |
| ***Pronounced on*** | 30.10.2026 |

CORAM

**THE HON'BLE MR.JUSTICE KRISHNASWAMY GOVINDARAJAN**

**WP Nos. 37329 of 2007 , 6979 of 2009 and 2054 of 2017**

CNR:{HCMA010148402007}

**AND**

**WMP Nos. 2039 of 2017, 49336, 45550, 45553, 45515, 45517, 49337 of 2017**

**W.P.No.37329 of 2007:**

Confederation of Agricultural
Engineers, Rep By its President,
B2 Officials Quarters,
Tamilnadu Agricultural University,
Coimbatore 641 003.

..Petitioner

Vs

1. The Government of Tamilnadu
   Rep by its Secretary Agriculture Department,
   Fort St George, Chennai 600 009.

2. The Chief Engineer,
   Agricultural Engineering Department,
   Nandanam, Chenai 600 035.

3. The Tamilandu Public Service
   Commission, Rep. by its Secretary, Chennai -2

4. A. Rajasekaran
   O/o Assistant Executive Engineer,
   Agricultural Engineering Department,
   487 Anna Salai, Nandanam, Chenani -35

5. S. Manoharan
   O/o Assistant Executive Engineer, Agricultural
   Engineering Department
   487 Anna Saai, Nandanam, Chennai -35.



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6. K. Chandrasekaran
   O/o Assistant Executive Engineer, Agricultural
   Engineering Department,
   487 Anna Salai, Nandanam Chennai -35.

..Respondents

**WP No. 6979 of 2009**

*CNR:{HCMA010188022009}*

Confederation of Agricultural Engineers.
Rep. by its President,
B2, Officials Quarters,
Tamilnadu Agricultural University,
Coimbatore 641 003.

..Petitioner

Vs

1. The Government Of Tamilnadu
   Rep. by its Secretary,
   Agriculture Department,
   Fort St. Grorge, Chennai 600009.

2. The Chief Engineer,
   Agriculture Engineering Department,
   Chennai 600005.

3. The Tamilnadu Public
   Service Commission,
   Government Estate, Chennai 60002.

4. S. Sermarajan

5. N.R. Chandrasekar

6. M. Mahendran

7. N. Selvel

8. P. Velumani

9. M.K. Kanchivanam



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10.G. Murugan

11.V. Alagirisamy

12.S. Gurusekara Pandian

13.M. Muthirulandi

14.P. Jayaraj

15.P. Nagarajan

16.R. Manivasakam

17.P. Natarajan

18.S. Radhakrishnan

19.R. Kumar

20.R.Rajaram

21.A. Vetrivel

22.S. Dhanapal

23.K. Ramesh

24.P. Murugesan

25.N. Sivakumar

26.M. Chandrasekar

27.K. Sunil

28.M. Devarajan

29.K. Moideen

30.S. Tamilvanan

31.C. Balan



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32.U. Ajmalkhan

33.P. Gurusamy

34.R. Kalaiselvan

35.S. Chandrasekaran

36.S. Sellakkanan

37.N. Chandrasekaran

38.R. Ravichandran

39.N. Kumar

40.N. Lakshmikandan

41.J.M. Rajasekar

42.V. Ravichandran

43.K. Muthuramalingam

44.M. Thankam

45.A. Balamurali

46.S. Varghese Jothiraj

47.A. Kesavamoorthy

48.S. Mani

49.S.R. Subramanian

50.M. Lenin Muthu Olivu

51.A. Chokalingam

52.L. Jayaprakash



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53.N. Jayaram

54.G. Anantharaman

55.P. Thirumanikumar

56.S. Rajendran

57.T. Karthikeyan
(Respondents 4 To 57 are Assistant Engineers working under the control of 2nd Respondent)

..Respondent(s)

**WP No. 2054 of 2017**

*CNR:{HCMA014006592014}*

Engineering Graduates Association,
Tamilnadu Agricultural Engineering Department,
Rep. by its General Secretary,
487, Anna Salai, Nandanam, Chennai-35.

..Petitioners

Vs

1. The Government of Tamilnadu
   Rep. by its Agricultural Production
   Commissioner and Secretary to Government,
   Agriculture Department, Chennai-9

2. The Chief Engineer
   Agricultural Engineering Department, 487,
   Anna Salai, Nandanam, Chennai-35

3. Tamilnadu Agricultural
   Engineers Association,
   Rep. by its General Secretary A.Rajasekar,
   16, Perumal Street, Anna Salai, Chennai-2

4. A.Rajasekaran,
   Upgraded Junior Engineer,
   O/o. The Assistant Executive Engineer (AE),
   487, Anna Salai, Nandanam, Chennai-35



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5. M. Prince Muthuraj
   Upgraded Junior Engineer,
   O/o. The Assistant Executive Engineer (AE),
   487, Anna Salai, Nandanam, Chennai-35

6. K.Chandrasekaran,
   Upgraded Junior Engineer,
   O/o. Superintending Engineer (AE)
   487, Anna Salai, Nandanam, Chennai-35.
   (R-3 to 6 also in represntative capacity to represent the Junior Engineers upgraded from Assistant Soil Conservation Officers as per GO.MS.No.479 Agriculture Department dated 16.11.2007)

..Respondents

**W.P.No.37329 of 2007:** Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the issue of the impugned G.O.Ms.No. 4709 Agricultural E engineering (AA3) Department dated 16.11.2007 on the file of 1st respondent and quash the same in so far as not earmarking 75 of 399 upgraded posts of junior Engineers for to be filled up by Assistant Engineers through direct recruitment and consequently direct the respondents 1 and 2 report to the 3rd respondent to issue notification for direct recruitment of Assistant Engineers to fill up the 75 in Tamilnadu Agricultural Engineering Department.

**WP No. 6979 of 2009;** Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the issue of G.O.Ms.No.312 Agricultural (AA3) Department dated 27.07.2007 by the 1st respondent and the consequential proceedings issued by the 2nd respondent in Proc.Nos. Me.Pa.1/41564/07-5 dated 28.07.07, Me.Pa.1/41564/07-6 dated 28.07.07 and Me.Pa.2/42738/07 dated 30.05.08 and quash the same and further direct the respondents to replace the Assistant



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Engineers appointed by recruitment by transfer in excess of the quota earmarked for them all these years by appointing Assistant Engineers by Direct Recruitment within a time frame as may be fixed by this Court and to direct the respondents 1 and 2 to pay adequate compensation along with the cost of this litigation to the petitioner.

**WP No. 2054 of 2017:** Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records on the file of 1st respondent relating to impugned G.O.Ms.No.479 Agricultural Engineering (AA3) Department 16.11.2007 and also from the file of the 2nd respondent relating to the issue of his Proceedings No.Me.Pa. 2/ 13328/2008 dated 31.5.2008 and relating to Letter NO.Me. Pa.5/39334/2016 dated 5.12.2016 and quash the same in so far as the said upgradation is considered as regular promotion enabling the upgraded Junior Engineers to become part of the cadre strength of the category of Junior Engineer and consequently direct the respondents 1 and 2 to revert the upgraded Junior Engineers to the category of Assistant Soil Conservation Officers and to fill up vacancies in the category of Assistant Engineers and Junior Engineers respectively only as per the 75% and 25% quota prescribed under the Special Rules to Tamil Nadu Agricultural Engineering Service.

| | |
|---|---|
| For Petitioners: | Mr. N. Subramaniyan<br>In all the writ petitions |
| For Respondents: | Mr.C.P Goutham Govt. Advocate<br>For RR1 & 2<br>Mr. Vijay, Standing Counsel<br>For TNPSC R3<br>in WP.No.37329 of 2007 and 6979/2009<br>Mr.P.R.Rajendran For R4 to R6<br>in WP.No.37329 of 2007 and 2054 of 2016<br>RR4 to 57 – Dismissed vide court order dated 17.08.2015 in WP.no.6979 of 2009 |



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**COMMON ORDER**

Since the issue involved in all these cases are one and the same, the same are disposed by way of this common order.

2. These writ petitions have been filed seeking to quash the G.O.Ms.No.479 dated 16.11.2007 and G.O.Ms.No.312 dated 27.07.2007 and all consequential upgradation / appointments of 399 Assistant Soil Conservation Officers as Junior Engineers as illegal and violative of the 75:25 Rules and Reservation Act; and to issue a Writ of Mandamus directing the respondents to fill up Assistant Engineer (Agricultural Engineering) vacancies by direct recruitment through TNPSC following roster and reservation.

**Case of the Petitioner in W.P. No. 37329 of 2007:**

**3. (i)** The writ petition was filed by the Association, represented by its President. The writ petitioner submitted that the Association was registered under the Tamil Nadu Societies Registration Act, 1975, with Registration No. 166 of 2006. The Association consisted of more than 200 members as on the date of filing the writ petition, all of whom have been awaiting for employment for several years. The writ petitioner submitted that an Agricultural Engineering graduate is entitled to be considered for appointment to the category of 'Assistant Engineer' in the Agricultural Engineering Department by following the reservation and roster as stipulated by the State policy.



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**(ii)** The Special Rules with respect to the Tamil Nadu Agricultural Engineering Service in respect of the post of 'Assistant Engineer' come under *Category V*, whereas the category of 'Junior Engineer' and other lower categories are governed by the Special Rules for the Tamil Nadu Agricultural Subordinate Engineering Service. The petitioner further submitted that 'Assistant Engineers' and 'Junior Engineers' are posted as 'Section Officers' in the department, and the posts were commonly known as 'Assistant Engineer' and 'Junior Engineer'. The posts involving original/important schemes are filled up by Assistant Engineers, and the posts of a working nature involving technical skills are filled up by Junior Engineers. Only for the above said purpose, the ratio was fixed at 75:25. Insofar as 75% of vacancies arising in both categories of Assistant Engineer and Junior Engineer are concerned, the vacancies are filled up by Assistant Engineers through direct recruitment, and the balance of 25% vacancies are filled by Junior Engineers through direct recruitment and promotions from the position of 'Agricultural Engineering Foreman'. Originally, 25% of vacancies were filled through direct recruitment. Subsequently, the Rules were amended in G.O. Ms. No. 533, dated 14.12.2004, providing for two more methods, viz.:

1. *Promotion from Assistant Soil Conservation Officer and recruitment by transfer from Drill Supervisor.*

2. *Inspector of Hand Boring Set Grade I and Compressor Drivers.*


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(iii) For the above said purpose, a roster (Annexure A-10) was prepared as follows:

*1. Direct Recruitment*

*2. Promotion from Agricultural Engineering Foremen;*

*3. Promotion from Assistant Soil Conservation Officers;*

*4. Promotion from Assistant Soil Conservation Officers;*

*5. Promotion from Assistant Soil Conservation Officers;*

*6. Promotion from Assistant Soil Conservation Officers;*

*7. Promotion from Junior Draughting Officers;*

*8. Recruitment by transfer from drill supervisor;*

*9. Recruitment by transfer from inspector of hand boring set Grade-1;*

*10. Recruitment by transfer from compressor drivers.*

**(iv)** In respect of 75% of the vacancies, the rules were once again modified retrospectively in G.O. Ms. No. 582, dated 09.11.1995, by including one more method, namely, recruitment by transfer from categories like Assistant Soil Conservation Officer, Junior Draughting Officer, and Agricultural Engineering Foreman in the Tamil Nadu Agricultural Subordinate Service on seniority basis based on acquiring a B.E. Degree, and the ratio is fixed as 24:1 from 27.12.1990 and as 91:1 from 09.11.1995.

**(v)** After all these amendments starting from the year 1995, all vacancies arising in the category of 'Assistant Engineer' were completely filled up by recruitment by transfer of lower categories and by pre-designation of 'Junior Engineers' on acquiring a B.E. degree, and not even a single vacancy in the


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category of Assistant Engineer was filled by direct recruitment through the Tamil Nadu Public Service Commission. In view of the above-said facts, even persons who completed their B.E. degree after several attempts were also eligible to be appointed as Assistant Engineers, which violates Article 335 of the Constitution. Consequently, members of the association sent a representation seeking a direction to fill Assistant Engineer vacancies by direct recruitment, but no decision was taken.

**(vi)** However, G.O. Ms. No. 479, dated 16.11.2007, was issued in a hurried manner, effectively upgrading 399 Assistant Soil Conservation Officers as Junior Engineers, who possessed only a diploma qualification and completed 21 years of experience, as a one-time measure, which completely violated statutory rules. The petitioner further contended that the rule of reservation was not followed, and as such, challenged G.O. Ms. No. 479, dated 16.11.2007, appointing 399 Assistant Soil Conservation Officers as Junior Engineers.

**Case of Respondents 1 & 2**

**4. (i)** The respondents 1 & 2 submit that the writ petition is not maintainable either in law or on facts. It is the further case of the respondents that this Court, in an order dated 24.03.2008 in M.P. Nos. 2 to 4 of 2007 in W.P. No. 37329 of 2007, held as follows:

> *"The interim order as sought for cannot be granted. However, it is made clear that hereafter no appointments shall be made in violation of the ratio of 25% and 75% by direct recruitment. It is open to the*


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*respondents to file a counter for vacating this order. It is also made clear that any subsequent appointment is subject to the main writ petition."*

**(ii)** They further submit that the post of 'Junior Engineer' (Agricultural Engineering) in the Agricultural Engineering Department is governed by the special rules for the Tamil Nadu Agricultural Subordinate Service issued in G.O. Ms. No. 1760, dated 10.06.1970, read with G.O. Ms. No. 430, dated 22.10.1996, and G.O. Ms. No. 533 (Agricultural Department), dated 09.12.2004. The method of appointment for 'Junior Engineer' (Agricultural Engineering) as per the special rules for the Tamil Nadu Agricultural Subordinate Service as existing up to 13.12.2004 was as follows:

*"Direct recruitment, or recruitment by transfer from the Madras Industries Subordinate Service or Madras Engineering Subordinate Service, or promotion from Category II (Agricultural Engineering Foreman)."*

**(iii)** The respondent further submitted that regular appointment to the post of Junior Engineer (Agricultural Engineering) is only made through the TNPSC, whereas appointment to Junior Engineer (Agricultural Engineering) by promotion from Category II of the Tamil Nadu Agricultural Subordinate Service, i.e., from the post of Agricultural Engineering Foreman, was made by the Chief Engineer (Agricultural Engineering).

**(iv)** The respondent stated that while the post of 'Junior Engineer' (Agricultural Engineering) falls under the purview of the TNPSC, the post of



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Assistant Soil Conservation Officer (Diploma Holders) did not fall under the 'feeder' category. Based upon representations, and after careful examination by the Government to bring Assistant Soil Conservation Officers and two other categories under the 'feeder' cadre to the post of Agricultural Engineering, the Government issued relevant orders amending the special rules by bringing the following six categories as feeder categories:



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| *Rotation 1* | *Direct Recruitment* |
| *Rotation 2* | *Promotion from the post of Agricultural Engineering Foreman* |
| *Rotation 3* | *Promotion from the post of Assistant Soil Conservation Officer* |
| *Rotation 4* | *Promotion from the Post of Assistant Soil Conservation Officer* |
| *Rotation 5* | *Promotion from the Post of Assistant Soil Conservation Officer* |
| *Rotation 6* | *Promotion from the Post of Assistant Soil Conservation Officer* |
| *Rotation 7* | *Promotion from the Post of Junior Draughting Officer* |
| *Rotation 8* | *Promotion from the Post of Drill Supervisor* |
| *Rotation 9* | *Recruitment by transfer from the post of Inspector of Hand Boring Set, Grade - I* |
| *Rotation 10* | *Recruitment by transfer from the post of Compressor Driver* |

**(v)** This is subject to the proviso that the aforesaid 25% post in the total cadre strength of 'Junior Engineer' (Agricultural Engineering) and 'Assistant Engineer' (Agricultural Engineering) taken together shall be reserved for appointment by the above-said method. The respondent in paragraphs 11 and 13 of the counter stated as follows:

*''11. It is submitted that prior to the issue of the*



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*G.O.Ms.No.479 Agriculture (AA-3) Department dated 16.11.2007 the sanctioned strength of Assistant Engineer (Agricultural Engineering) / Junior Engineer (Agricultural Engineering) of Agricultural Engineering Department was 699 Nos. The 399 Numbers of Asst. Soil conservation Officer posts now upgraded as Junior Engineer (Agricultural Engineering) vide G.O.MS.No.479 Agriculture Department dated 16-11-2007 can not be added to the total strength of Assistant Engineer and Junior Engineer put together as the posts upgraded as Junior Engineer (Agricultural Engineering) is not newly sanctioned one. But for the up gradation, there is no increase in the total cadre strength of Assistant Engineer (Agricultural Engineering) / Junior Engineer (Agrl.Engg.). Hence the claim of the petitioner is wrong.*

……

*13. It is submitted that in G.O.Ms.No.479 Agriculture (AA-3) Department dated 16-11-2007, only the existing 399 post of Assistant Soil Conservation Officer have been upgraded as Junior Engineer (Agricultural Engineering). It is not the additional post sanctioned for Assistant Engineer (Agricultural Engineering) / Junior Engineer (Agricultural Engineering). Hence 399 upgraded posts of Junior Engineer (Agricultural Engineering) have to be filled up exclusively by the Assistant Soil Conservation Officer. It is not the additional post sanctioned for Assistant Engineer (Agricultural Engineering) / Junior Engineer (Agricultural Engineering). Hence, 399 posts of upgraded Junior Engineer (Agricultural Engineering) have to be filled up exclusively by the Assistant Soil Conservation*


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*Officer. If the said G.O. is not issued there may not be any additional post for the cadre of Assistant Engineer (Agricultural Engineering) / Junior Engineer (Agricultural Engineering) and the persons promoted to the post of Junior Engineer (Agricultural Engineering) from the post of Assistant Soil Conservation Officer would have to continue in the post of Assistant Soil Conservation Officer.''*

**(vi)** In furtherance of the above, the respondent prayed for the dismissal of the writ petition.

**Case of Respondents 4 to 6**

**5.** In paragraphs 32 and 33 of their counters, respondents 4 to 6 accepted certain aspects pertaining to this matter. The said paragraphs are extracted hereunder:

*''32. In fact the impugned Government order may kindly be considered as part and parcel of this counter affidavit. In addition, the counter filed by the Government is also clear in this context to the following extent :-*

*"It is submitted that about 598 Assistant Soil Conservation Officers were working in the Department and they were stagnating in the said cadre without any promotional opportunities. Therefore, the Tamil Nadu Agricultural Subordinate Service were amended in G.O.Ms.No.533, Agriculture Department dated 14.12.2004 by bringing the post of Assistant Soil Conservation Officer as one of the feeder category for promotion to the post of Junior Engineer*


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*(Agricultural Engineering). Due to limited vacancies available in the post of Junior Engineer (Agricultural Engineering) the Assistant Soil Conservation Officer who were in large numbers were stagnating in their service for more than 20 years. In order to address their sufferings of Assistant Soil Conservation Officers and taking into account of dispensing the post of Junior Engineer (Agricultural Engineering) in the department a proposal was sent to Government for upgrading the post of Assistant Soil Conservation Officer as Junior Engineer (Agricultural Engineering), and to fill up the same with Assistant Soil Conservation Officers who have put in 20 years of service and also qualified with the Diploma in Engineering, at the time of their initial appointment. Accordingly, government in G.O.Ms.No. 479, Agriculture (AA-3) Department dated 16.11.2007 ordered for upgradation of 399 Assistant Soil Conservation Officer having Diploma in Engineering and completed more than 20 years of service in the Agricultural Engineering Department as Junior Engineer (Agricultural Engineering) as one time benefit.*

*It is submitted that prior to the issue of the G.O.Ms.No.479 Agriculture (AA-3) Department dated 16.11.2007 the sanctioned strength of Assistant Engineer (Agricultural Engineering)/Junior Engineer (Agricultural Engineering) of Agricultural Engineering Department was 699 Nos. The 399 numbers of Assistant Soil Conservation Officer posts now upgraded as Junior Engineer (Agricultural Engineering) vide G.O.Ms.No.479 Agriculture (AA-3) Department dated 16.11.2007 cannot be added to the total strength of Assistant*



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*Engineer and Junior Engineer put together as the posts upgraded as Junior Engineer (Agricultural Engineering) is not newly sanctioned one. But for the upgradation there is no increase in the total cadre strength of Assistant Engineer (Agricultural Engineering) / Junior Engineer (Agricultural Engineering). Hence the claim of the petitioner is wrong.*

*It is submitted that in G.O.Ms.No.479 Agriculture (AA-3) Department dated 16.11.2007 only the existing 399 posts of Assistant Soil Conservation Officer have been upgraded as Junior Engineer (Agricultural Engineering). It is not the additional post sanctioned for Assistant Engineer (Agricultural Engineering). Hence 399 upgraded posts of Junior Engineer (Agricultural Engineering) have to be filled up exclusively by the Assistant Soil Conservation Officer. It is not the additional post sanctioned for Assistant Engineer (Agricultural Engineering)/Junior Engineer (Agricultural Engineering). Hence 399 posts of upgraded Junior Engineer (Agricultural Engineering) have to be filled up exclusively by the Assistant Soil Conservation Officer. If the said G.O. is not issued there may not be any additional post for the cadre of Assistant Engineer (Agricultural Engineering)/ Junior Engineer (Agricultural Engineering) and the persons promoted to the post of Junior Engineer (Agricultural Engineering) from the post of Assistant Soil Conservation Officer would have to continue in the post of Assistant Soil Conservation Officer."*

*33. After taking such a decision the following categories of persons who have completed twenty years of service and above and further possessing required qualification were upgraded as*


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*Junior Engineers by the impugned Government order. The persons who were upgraded, to such position are from the level of the following:-*

*i) Direct Recruitment*

*ii) Promotion from the post of Agricultural Engineering Foreman*

*iii) Promotion from the post of Assistant Soil Conservation Officer*

*iv) Promotion from the post of Assistant Soil Conservation Officer*

*v) Promotion from the post of Assistant Soil Conservation Officer*

*vi) Promotion from the post of Assistant Soil Conservation Officer*

*vii) Promotion from the post of Junior Draughting officer*

*viii) Promotion from the post of Drill Supervisor*

*ix) Recruitment by transfer from the post of Inspector of hand boring set, Grade-I*

*x) Recruitment by transfer from the post of Compressor Driver.*

*In fact Government took a policy decision in the interest of and in the welfare of the Agricultural and farming community and also felt that these 399 persons have to do additional work with more responsibilities for the welfare of farmers. It is so stated in the impugned order to the following effect:-*

*"Government have examined the proposal of the Chief Engineer (Agricultural Engineering) in detail and order that 399 Assistant Soil Conservation Officers who have acquired the*


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*qualification of Diploma in Engineer at the time of their initial appointment and have completed more than 20 years of service be upgraded as Junior Engineer (Agricultural Engineering) as one time benefit. It is also ordered that in addition to their regular work they will attend to additional works of writing M.Books for the works executed by them apart from preparation of estimates, preparation of bills and execution of scheme work such as Land Development and Minor Irrigation implements supervisory job"*

The respondent further contended that only three persons were included in the writ petition while leaving out other necessary parties, resulting in the non-joinder of necessary parties, and prayed for the dismissal of the writ petition.

**Case of the Petitioner in W.P. No. 6979 of 2009**

**6.** On the very same set of facts, the petitioner approached this Court challenging G.O. Ms. No. 312, Agriculture (AA3) Department, dated 27.07.2007, and the consequential proceedings, and further sought to replace recruitment by transfer with the vacancies earmarked for them over the while appointing Assistant Engineers by direct recruitment. The respondents filed a counter in line with the earlier writ petitions.

**Case of the Petitioner in W.P. No. 2054 of 2017**

**7.** On the same set of facts, the writ petitioner challenged the subsequent



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appointment orders issued by the government in G.O. Ms. No. 479, dated 16.11.2007. The respondents also filed a detailed counter opposing the writ petition and prayed for its dismissal.

**Submissions of the Counsel**

**8. (i)** The counsel for the petitioners submitted that the rule position is very clear in respect of appointments. As per Rule 2 of the Tamil Nadu Subordinate Engineers Service Rules as amended by G.O. Ms. No. 533, dated 14.12.2004, a 25% quota has to be allocated for 'Junior Engineers' to the post of 'Assistant Engineer'. Therefore, out of the 75% quota, 91% shall be appointed by direct recruitment and the balance 9% shall be through in-service persons who acquired a B.E. degree.

**(ii)** The petitioners further submitted that there is no dispute with respect to the rule position. The total cadre strength and persons appointed across various categories impress upon the Court that the entire rule was violated. The writ petitioner further submitted that the second respondent wilfully appointed 'Junior Engineers' in excess of the 25% quota stipulated under the Rules. They argued that the upgradation of 399 Junior Engineers is nothing but a promotion, and the respondent wilfully violated the 25% quota fixed already. The G.O.s issued for the appointments are completely unreasonable, arbitrary, and mala fide, and they violate Section 5 of the Tamil Nadu Reservation Act, 1993. The



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writ petitioner further contended that the impugned order was issued in complete violation of Article 335 constitutional provisions and prayed for the allowance of the writ petition.

**(iii)** Regarding maintainability, the petitioner relied on Article 19(1)(c) of the Constitution, arguing that forming an association is a fundamental right, citing *Confederation of Ex-Servicemen Associations v. Union of India* [(2006) 8 SCC 399] and also *Director of School Education v. Velayutham* [(2023) SCC OnLine MAD 3643], which held that a writ petition is maintainable by an association in respect of its members for a common cause, they praying for the writ petition to be allowed.

**(iv)** On the other hand, the respondents submitted that a writ petition filed by an association whose members are not in service is not maintainable. The members representing the Confederation of Engineers have no connection with the respondent office nor are they government employees and are especially third parties forming an association to duail service matters, which is legally unsustainable. The respondents further pleaded that the Government made several direct recruitments of engineers to the post of ‘Assistant Engineers’ from 1995 up to 2025 through the Commission, and therefore there is no cause of action at this point in time for the writ petitioner association.


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**(v)** The very same argument was adopted by the respondents in W.P. No. 37329 of 2007 and W.P.No.2054 of 2017. The respondents further submitted that only three of them were impleaded in the writ petition leaving other necessary persons out, and prayed for the dismissal of the writ petitions on the grounds of non-joinder of necessary parties.

**Discussion and Findings of the Court**

9. Heard the counsel for the petitioner and the respondents in all the writ petitions.

**10.** The R*ule position* with respect to Assistant Engineer (Agricultural Engineering) is as follows:

***''The Rule position***

*The category of Assistant Engineer is governed by the Special Rules for the Tamil Nadu Agricultural Engineering Service. The category of Junior Engineer is governed by the Special Rules for the Tamil Nadu Agricultural Subordinate Service.*

*METHOD OF APPOINTMENT FOR ASSISTANT ENGINEER (AGRICULTURAL ENGINEERING)Rule 2(a)*

| *Class* | *Post* | *Method of recruitment* |
|---|---|---|
| *1* | *2* | *3* |
| *Class V* | *Assistant Engineering* | *i. By direct recruitment* |



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| | *(Agricultural Engineering)* | *ii. By recruitment by transfer from among the holders of the post of Assistant Soil Conservation Officer, Junior Draughting Officer and Agricultural Engineering Foreman in the Tamil Nadu Agricultural Subordinate Service: Provided that the Junior Engineer (Agricultural Engineering) in Tamil Nadu Agricultural Subordinate Service on acquiring a degree in Engineering or a pass in Sections "A" and "B" of the AMIE shall be re-designated as Assistant Engineer (Agricultural Engineering) in the Tamil Nadu Agricultural Engineering Service from the date of following the last date of examination, notwithstanding the procedures to be followed for appointment by recruitment by transfer.* |

*Rule 2(d)(d)*

*The proportion for appointment to the vacancies arising in class V by direct recruitment and recruitment by transfer shall be 91:9.*

*Hence, the ratio followed for Recruitment by Transfer is 91:9 i.e. 91 for direct recruitment and 9 for Recruitment by Transfer from the three categories namely, Assistant Soil Conservation Officer, Junior Draughting Officer and Agricultural Engineering Foreman in the Tamil Nadu Agricultural Subordinate Service.*

***METHOD OF APPOINTMENT FOR JUNIOR ENGINEER (AGRICULTURAL ENGINEERING)***

***Rule 2(a)***



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| *category* | *Method of appointment* |
|---|---|
| *1* | *2* |
| *Class II*<br>*Category –*<br>*1. Junior Engineer (Agricultural Engineering)* | *(1) By direct recruitment; or*<br>*(2) Promotion from the following posts, namely:-*<br><br>*(i) Agricultural Engineering Foreman;*<br>*(ii) Assistant Soil Conservation Officer;*<br>*(iii) Junior Draughting Officer; or*<br><br>*(3) Recruitment by transfer from the following posts, namely :-*<br>*(i) Drill Supervisor;*<br>*(ii) Inspector of Hand Boring Set, Grade-I,*<br>*(iii) Compressor Driver;*<br><br>*Provided that 25 percent of the posts in the total strength of Junior Engineer (Agricultural Engineering) and Assistant Engineer (Agricultural Engineering) taken together shall be reserved for appointment by the above said methods.*<br><br>*Provided further that the said 25 percent of the reserved posts shall be filled up by following the rotation as indicated below:-*<br><br>*Rotation 1 : Direct Recruitment*<br>*Rotation 2 : Promotion from the post of Agricultural Engineering Foreman*<br>*Rotation 3 : Promotion from the post of Assistant Soil Conservation Officer*<br>*Rotation 4 : Promotion from the post of Junior Draughting Officer*<br>*Rotation 5 : Recruitment by transfer from the post of Drill Supervisor*<br>*Rotation 6 : Recruitment by transfer from the post of Inspector of Hand* |



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| | |
|---|---|
| | *Boring Set, Grade-I Rotation 7 : Recruitment by transfer from the post of Compressor Driver*<br><br>*Provided also that if a rotation is not filled up due to paucity of hands, that vacancy may be allotted to the next rotation in the cyclical order except for direct recruitment which is covered under the rule of reservation of appointments.* |

**The present strength**

| Sl.No. | Name of the post | Total sanctioned strength in Assistant Engineer / Junior Engineer put together is 847 | | |
|---|---|---|---|---|
| | | As per 75:25 the strength must be | In position | Vacancy |
| 1 | Assistant Engineer(AE) | 635 | 346 | 289 |
| 2 | Junior Engineer(AE) | 212 | 74 | 138 |

**11.** In W.P. No. 37329 of 2007, in the year 2007, 399 ‘Soil Conservation Officers’ were upgraded as ‘Junior Engineers’ as a one-time measure due to stagnation, spanning 20 years for those employees. The petitioners cannot question the same by way of an association. If any individual is affected, it is for them to approach the Court by way of a writ petition. Insofar as an association is concerned, absolutely there is no cause of action for the association to maintain a writ petition questioning a G.O. upgrading employees



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already working in the department, especially when the writ petitioner association and its members are not even presently employed in government service. If the argument of the writ petitioner is accepted, it would open the floodgates and introduce an entirely new theory of service jurisprudence which is not recognized either by this Court or by the Supreme Court. The arguments advanced by the petitioner with respect to Article 19 are legally unsustainable. Article 19 is merely an enabling provision to form an association and in fact, does not enable persons to interfere in service matters, especially when the members are neither employees of the respondent office nor in active government service.

12. I have also considered the decisions of this Court in W.A. No 235 of 2021 and **2026 MHC 4032** which have held that an association cannot maintain a common writ petition which pertains to individual grievances of employees. WA.No. 235 of 2021 has also held that any writ petition pertaining to individual grievances, such as employment cannot be maintainable while referring to the dictum in WP.MD.No.7555 of 2012. In view of the same, and taking into consideration the fact that the members of the respondent association with actual grievances who are presently unemployed cannot blatantly challenge G.O.Ms.No.479 dated 16.11.2007 and G.O.Ms.No.312 dated 27.07.2007, which has no standing applicability on them, under the guise of a “common cause”. However, it is always open to individuals to seek



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appointment if they have a legal right. The cause of action pertaining to direct recruitment and the grievances of third parties cannot be clubbed together, and this Court does not have the power under Article 226 to decide an such issues on behalf of every member of an association.

**13.** The petitioner relied upon a judgment reported in ***(2006) 8 SCC 399 in the case of Confederation of Ex-servicemen Associations and others Vs. union of India and others*** wherein a writ petition was filed by an Ex-Servicemen's Association:

> *''22. We have given anxious and thoughtful consideration to the rival contentions raised by the parties. So far as the preliminary objection regarding maintainability of the petition is concerned, it may be stated that the petitioner has asserted in the petition that it is a Confederation of five ex-servicemen Associations formed in furtherance of common cause. The aims and objects of the Confederation have also been annexed as set out in the MoU (Annexure 'P-1'). In the affidavit in reply filed by the Under Secretary working with the Ministry of Defence, it was stated that he is 'not aware' of the existence of the petitioner organization. He, however, stated that the organization 'does not seem' to be registered body to represent the cause of ex- servicemen. The rejoinder affidavit unequivocally states that the objection raised by the Union of India is incorrect. The Confederation was registered under the Societies' Registration Act, 1860. Likewise, all Associations which constitute the Confederation are similarly registered individually. It is further stated that Air Force Association and Indian Ex-Services League are even recognized by the Ministry of Defence, Union of India. It, therefore, cannot be said that the petitioner- Confederation is not registered and*



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*the petition filed is not maintainable.*

*23. In view of the fact that some of the Associations have been recognized even by the Ministry of Defence, the deponent ought not to have raised the objection regarding maintainability of the petition without ascertaining full facts and particulars. We leave the matter there holding the petition maintainable. We are also satisfied that the contention of the respondent is even otherwise not tenable at law. A similar point came up before a Constitution Bench of this Court in the well known decision in D.S. Nakara v. Union of India, (1983) 1 SCC 305. There also, one of the petitioners was a Society registered under the Societies' Registration Act, 1860. It approached this Court for ventilating grievances of a large number of old and infirm retirees who were individually unable to approach a court of law for redressal of their grievances. This Court held locus standi of the Society 'unquestionable'. In the present case, apart from the fact that a larger public issue and cause is involved, even individually, all Associations are registered Associations of ex- servicemen. The petitioner-Confederation representing those Associations which is also registered, can certainly approach this Court by invoking the provisions of Part III of the Constitution. We, therefore, reject the preliminary objection raised by the respondents and hold that the petitioner-Confederation has locus standi to file the petition.''*

**14.** In the aforementioned case, the Supreme Court accepted that the writ petition was maintainable insofar as the association had nexus with the respondent department, whereas in the present case, a group of unemployed individuals have joined hands to form this petitioner association. In view of this factual difference, the cited judgment is not applicable to the present facts and circumstances.


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15. Reference was also made to the judgment in W.P. No. 10465 of 2020 dated 28.04.2022, wherein para 18 clearly outlines the circumstances under which an association can file a writ petition. On behalf of persons facing poverty, disability, socially or economically disadvantageous positions. In the present case, however, above such conditions are not met and the petitioner association does not consist of poverty-stricken or socially disadvantaged people are not before this Court.

**16.** Insofar as the Writ Petition in W.P. No. 37329 of 2007 is concerned, a status report filed by the respondents indicates that all the 399 upgraded Junior Engineers have reached their turn for elevation as 'Assistant Executive Engineer'. Many persons were retired / promoted. The present batch of candidates in the category of 'Junior Engineer' has been exhausted and the subsequent batches are considered for promotion as Assistant Executive Engineer. Also, the present strength of the Junior Engineers is less than the stipulated 25% as stated above.

**17.** Furthermore, a status report filed by the respondents in W.P. No. 6979 of 2009 informs this Court that all the 54 candidates of the 2007 batch who have been recruited as 'Assistant Engineers' have reached their turn for elevation as Assistant Executive Engineer. In the meanwhile, many persons have retired or have been promoted. The present batch is exhausted and the



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subsequent batches are getting considered for further promotion as ‘Assistant Executive Engineer’. The status report also indicates that the present strength of the Assistant Engineers is less than the stipulated 75% as stated above.

18. Insofar as the Writ Petition in W.P. No. 2054 of 2017 is concerned, a status report filed by the respondents stated that all the 399 upgraded Junior Engineers have reached their turn for elevation as Assistant Executive Engineer. Many persons were retired / promoted. The present batch of Junior Engineer is exhausted and subsequent batch is getting considered for promotion as Assistant Executive Engineer. Also, the present strength of the Junior Engineers is less than the stipulated 25% as stated above.

**Conclusion**

**19.** In view of these factual aspects, there is absolutely no legal standing which available for this Court to interfere in this matter based on merits. All the writ petitions have been filed by an Association whose members are not in active service of the respondent department cannot maintain the writ petition. On both counts, all writ petitions are dismissed. Consequently, all the connected miscellaneous petitions are closed.

**30-10-2026**

Index: Yes/No
Speaking/Non-speaking order


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Neutral Citation: Yes/No

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To

1. The Governent Of Tamilnadu
   Rep By Its Secretary Agriculture Deparment, Fort St George, Chennai 600 009.

2. The Chief Engineer,
   Agricultural Engineering Deparment, Nandanam Chenai 600 035

3. The Tamilandu Public Service
   Commission, Rp. By Its Secetary, Chennai -2
4. The Secretary to Government,
   Agricultural Production Commissioner and, Agriculture Department, Chennai-9
5. A.Rajasekar,
   General Secretary,
   Tamilnadu Agricultural
   Engineers Assn., 6, Perumal Street,
   Anna Salai, Chennai-2



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**KRISHNASWAMY GOVINDARAJAN J.**

**rli**

Pre-delivery order in
**WP Nos. 37329 of 2007 , 6979 of 2009 and 2054 of 2017**

**30-10-2026**



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