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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-02-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

**WA No. 1272 of 2010
and M.P.No.1 of 2010**

1. S.Rajamuthu,
S/o.Subbu, Inspector Of Factories, Tiruvarur.
2. S.Poongodi,
D/o.Govindan, Inspector Of Factories,
Coimbatore.
3. Dinakaran,
S/o.Kandaswamy, Inspector Of Factories,
Hosur.
4. G.Thirumuruga Balasubramanian,
S/o.Govindan, Inspector Of Factories,
Dindukal.
5. M.V.Senthilkumar,
S/o.Veluswamy, Inspector Of Factories,
Tirunelveli.

..Appellant(s)

VS

1. The Secretary To Govt.,
Labour & Employment Dept., Fort St. George,
Ch-9.
2. The Chief Inspector Of
Factories, Chepauk, Ch-5.
3. Erai Arul,
Dy. Chief Inspector Of Factories, 23,
Kajannagar, 3rd Street, Trichy-20.
4. N.Jeyakumar,
Inspector Of Factories, Madurai.



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5. K.Kaliannan,
Dy. Chief Inspector Of Factories, II Circle,
TTC Buildings, Kavundampalayam,
Coimbatore-30.
6. S.Ponsingh Mohanram,
Dy. Chief Inspector Of Factories, III Divn.,
617, Annasalai, Bharathkumar Bhavan,
Chennai.
7. S.Muthukumar,
2/535 B.Manoranjitham St., Selvanthi Street
(inside) 6th Main Road, Gomathipuram,
Madurai-20.
8. B.Alagesan,
Dy. Chief Inspector Of Factories, 16, First
Floor, Krishnapalayam Road,
Karungalpalayam, Erode-638003.
9. G.Muralidharan,
Dy. Chief Inspector Of Factories, 127 B, 4th
Cross, Subbayamudaliar Layout,
Tutikorine-628003.
10. S.Durairaj,
Dy. Chief Inspector Of Factories, No.14,
Perumanallure Road, Tirupur-2.
11. R.Jeyakuma,
Dy. Chief Inspector Of Factories, Arani Road,
Sankaranpalayam, Vellore-632001.
12. S.Ambalavannan,
Dy. Chief Inspector Of Factories, 6, State
Bank Colony, Dindigul-7.
13. Manoharan,
Dy. Chief Inspector Of Factories, 19,
Kalimuthu St., Virudhunagar-626001.
14. Jegadesan,
Dy. Chief Inspector Of Factories, 7, High
Ground, 8th Cross, Maharaja Nagar,
Palayamkottai, Tirunelveli-627011.



15. B.Padmanaban,
Inspector Of Factories, 3rd Circle, 617,
Annasalai, Bharathkumar Bhavan, Chennai.
16. A.R.Baskaran,
Inspector Of Factories, 4th Circle, 617,
Annasalai, Bharathkumar Bhavan, Chennai.
17. K.Chidambaranathan,
O/o.Dy. Chief Inspector Of Factories, 76, First
St., Arulalantha Nagar, Tanjor-613007.
18. K.Arul,
Dy. Chief Inspector Of Factories, 525, Cross
Cut Road, Coimbatore-641012.
19. Manoharan,
Dy. Chief Inspector Of Factories, Hig Sipcot,
Lal Compound, Hosur, Krishnagiri.
20. V.A.Appavusamraj,
Inspector Of Factories, 7, High Ground, 8th
Cross, Maharaja Nagar, Palayamkottai,
Tirunelveli-627011.
21. B.Sundaram,
Dy. Chief Inspector Factories, Arani Road,
Sankaranpalayam, Vellore 632001.

..Respondent(s)

For Appellant(s):

Mr.G.Rajagopalan, Senior Counsel
for Mr.M.Muthappan

For Respondent(s):

Mr.U.M.Ravichandran, SGP for R1 & 2.
Mr.M.Saravanakumar
for Mr.R.S. Pandiyaraj for R5, R8, R18 & R21.
Mr.V.Rangrajan for R12.
Mrs.Sasikala for R15, R16 & R20.
Mr.V.Ravikumar for R9 & R11.
Mr.P.Chandrasekaran for R13 & R14 .
No Appearance for R3, R4, R6, R17,
R10, R17 & R19



JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

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The present intra-Court Appeal has been instituted to assail the writ order dated 13.04.2010 passed in W.P.No.21019/2005. The writ petitioners are the appellants before this Court. The appellants initially filed Original Application in O.A.No.3393 of 2003 before the Tamil Nadu Administrative Tribunal seeking the relief of direction to fix the seniority of the appellants as comprised in the batch of direct recruits selected through notification dated 12.09.1990 of the Tamil Public Service Commission and to assign rank immediately above the respondents 3 to 11 in the category of Inspector of Factories. Subsequent to the abolition of the Tamil Nadu Administrative Tribunal, the application was transferred to the High Court of Madras and renumbered as W.P.No.21019 of 2005. The writ petition was dismissed on 13.04.2010, which resulted in filing of the present Appeal.

2. Learned Senior Counsel, Mr.G.Rajagopalan, appearing on behalf of the appellants would mainly contend that the writ petition was dismissed mainly on the ground of delay and laches. The ground on which the writ petition was dismissed is not in consonance with the Service Rules. Recruitment notification was issued on 12.09.1990 for selection and appointment to the post of Inspector of Factories therein. The petitioners participated in the process of selection. Before publication of selection list, the in-service employees who were temporarily holding the post of Inspector of



Factories filed an Original Application in O.A.No.3840 of 1990 before the Tamil Nadu Administrative Tribunal and secured an interim stay for publication of selection list in respect of direct recruitment notification. The Original Application was disposed of by the Tribunal only in the year 1994 and thereafter, the selection list was published and the petitioners along with other selected candidates were appointed to the post of Inspectors of Factory on 12.12.1995. Therefore, the appellants are not at fault. Due to the interim stay granted by the Tribunal, no selection list was published and consequential appointments were not issued. Due to the interim order granted by the Court, the appellants cannot be denied their right to get seniority based on the recruitment notification. Act of Court should not affect the persons and in the present case, by virtue of an interim order, there was a delay of 4 years in publishing the selection list which resulted in delay in issuing the appointment order. Thus, the appellants are entitled for seniority based on the notification.

3. Learned counsel appearing on behalf of the respondents/promotees would submit that the appellants were not even selected by the Tamil Nadu Public Service Commission. The Tribunal granted stay of publication of selection list. Therefore, the appellants, during the relevant point of time, when the interim stay was granted was not selected. Thus, they cannot claim seniority with retrospective effect based on the recruitment notification. That apart, no action was taken during the relevant point of time either by the Department or by the candidates who participated in the process of selection



to vacate the stay or to dispose of the Original Application before the Tamilnadu Administrative Tribunal.

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4. Learned Special Government Pleader would oppose by stating that all the promotee employees had retired from service. Only 2 or 3 directly recruited candidates/appellants alone are serving in the Department. Their claim for retrospective seniority based on the recruitment notification cannot be considered since they have not even selected nor borne into the services of the department. Since interim order was granted at the time of selection process and before publication of selection list, question of granting retrospective seniority would not arise at all.

5. Learned Special Government Pleader would further submit that the seniority list was published on 07.10.1995. The said seniority list remains unchallenged. The representation was submitted by the appellants only in the year 2002 and as per the Tamilnadu State and Subordinate Service Rules in force, any representation seeking alteration of seniority must be filed within a period of three years from the date of publication of seniority. Therefore, the writ Court has rightly dismissed the petition on the ground of delay.

6. This Court considered the respective submissions made between the parties to the lis.



7. The uncontroverted facts between the parties would show that the recruitment notification for direct recruits to the post of Inspector of Factories was published on 12.09.1990. The appellants participated in the process of selection. During the relevant point of time, the in-service employees were promoted temporarily as Inspector of Factories. Those employees filed Original Application challenging the direct recruitment notification before the Tamilnadu Administrative Tribunal. The Tribunal granted an interim stay not to publish the selection list. After four years, the Original Application came to be disposed of in the year 1994. Thereafter, the selection list was published by TNPSC and the applicant along with all other directly recruited candidates were appointed on 12.12.1995. Therefore, their seniority was fixed by the department based on their selection list and the appointment order issued in December, 1995.

8. The appellants, admittedly, submitted a representation in the year 2002. The learned Special Government Pleader would submit that the seniority list was published in the year 1995. However, the learned Senior counsel for the appellants dispute the same by stating that the official seniority list was published in the year 2001.

9. Be that as it may be. In any event, the appellants were not even selected during the relevant point of time when the Tribunal granted interim stay for publication of selection list. When the appellants were not even



selected by Tamil Nadu Public Service Commission and no appointment order was issued, now, they cannot claim any retrospective seniority merely based on the recruitment notification which was issued on 12.09.1990. Recruitment notification would not constitute a basis for claiming seniority into a government service. The recruitment process culminated into a selection of a candidate and proceeded with an order of appointment alone would provide a right for claiming seniority into government service. This being the principles to be adopted, the very claim set out in the relief sought for by the appellants to grant seniority based on the recruitment notification of the year 1990 is untenable.

10. This Court is not inclined to go into the point relating to laches, since there is a dispute between the parties regarding publication of seniority list. On account of efflux of time, scrutinisation of publication of list may not require, since the appellants during relevant point of time in the year 1990, when the interim order was passed by the Tribunal, they was not even selected by the Tamilnadu Public Service Commission and admittedly, the selection list was published in the year 1995 and thereafter, an order of appointment was issued on 12.12.1995.

11. Pertinently, all the in-service candidates as well as the direct recruited candidate were subsequently promoted. At this length of time, the seniority, if unsettled, would result in larger repercussion. More so, the



appellants were not borne into the cadre which is the essential requirement for fixation of seniority. Even as per the Rules, the seniority is to be fixed based on the date of appointment.

12. In view of the facts and circumstances, this Court does not find any other reasons to interfere with the decision taken by the writ Court for dismissal of the Writ Petition. Consequently, the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (C.K.,J.)
11-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

vsi

To

1. The Secretary To Govt.,
Labour & Employment Dept., Fort St. George,
Ch-9.
2. The Chief Inspector Of
Factories, Chepauk, Ch-5.



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WA No. 1272 of 2



**S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.**

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