



W.P.No.12330 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2026

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.12330 of 2014

P.Rajamanickham

... Petitioner

vs

1. The Chairman and Managing Director,
Tamil Nadu Water Supply
and Drainage Board,
Chepauk, Chennai – 600 005.

2. The Joint Chief Engineer (General)
TWAD Board, 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, to call for the records pertaining to the impugned order passed by the second respondent dated 14.06.2010 in Reference No.16668/A1/Seniority Cell/HO/08, quash the same and consequently direct the respondents to give effect to the promotion of the petitioner as Assistant Executive Engineer from the year 1984, particularly the date on which his immediate junior one Mr.Thangaiah was promoted as such and grant him all consequent service benefits and pass orders.

For Petitioner : Mr.P.K.Rajagopal

For Respondents : Ms.Y.Kavitha, Standing Counsel

: No Appearance for R2



W.P.No.12330 of 2014

ORDER

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the first respondent and perused the records.

2. The petitioner by the present writ petition has assailed the action of the second respondent in issuing proceedings dated 14.06.2010 fixing the seniority, and to quash the same with consequential direction to the respondents to give effect to the promotion of the petitioner as Assistant Executive Engineer from the year 1984, particularly the date on which his immediate junior one Mr.Thangaiah was promoted and to grant consequential service benefits.

3. It is the further case of the petitioner that he was appointed as Draughtsman Grade-III in the Public Health Engineering and Municipal Works Department on 25.11.1970 and was promoted as Draughtsman Grade-II in the year 1972; that he was appointed as Junior Engineer from the Feeder post *vide* proceedings dated 12.02.1973; and that his service were regularized subsequently and he was placed at serial No.12 in the seniority list of Assistant Engineers/Junior Engineers eligible for promotion to the post of Assistant Executive Engineer *vide* B.P.Ms.No.306 dated 30.07.1982.

2/13



W.P.No.12330 of 2014

4. Petitioner further contended that in the year 1984, his name was not included in the panel of Junior Engineers eligible for promotion to the post of Assistant Executive Engineer; that he submitted a representation dated 11.10.1984; that he was given to understand that his name was not included in the panel since there was an adverse remark against him in the confidential report; and that a vigilance enquiry was contemplated against him.

5. It is the further case of the petitioner that though a number of other employees against whom vigilance enquiries were pending, were promoted to the next higher post on the strength of G.O.Ms.No.289 P & AR (Personnel-R) dated 12.03.1980 and G.O.Ms.No.1038, Rural Development and Local Administrative Department dated 16.07.1983, he was not granted the benefit of the aforesaid Government Orders for promotion.

6. Petitioner also contended that though he was eligible for being promoted in the year 1984, he was not granted promotion and was granted promotion to the post of Assistant Executive Engineer belatedly only on 22.09.1987, while his junior one V.Thangaiah had been promoted to the post of the Assistant Executive Engineer in the year 1984 itself.



W.P.No.12330 of 2014

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7. It is the further case of the petitioner that though a vigilance enquiry was conducted against him and he was awarded the punishment *vide* proceedings dated 09.05.1989, the said proceedings were set aside by the respondents *vide* BPMs.No.81 dated 11.07.2004.

8. Petitioner further contended that during the year 2002 *vide* proceedings dated 01.07.2002, it was communicated that *inter se* seniority in the cadre of Assistant Engineers/Junior Engineers had been revised and the seniority in the cadre of Assistant Engineers/Junior Engineers had been revised *vide* letters of the respondents dated 01.03.1996 and 30.05.1996; that the aforesaid seniority list published by the respondents in the year 1996 is contrary to B.P.Ms.No.1306 dated 30.07.1982; that by the aforesaid letters dated 01.03.1996 and 30.05.1996, the respondents sought to revive B.P.Ms.No.18 dated 17.01.1976, which had been expressly superseded by B.P.Ms.No.306 dated 30.07.1982; and that thus, the seniority list in the cadres of Junior Engineers revised on the basis of the superseded B.P.Ms.No.18 dated 17.01.1976 has no effect in the year 1984.



W.P.No.12330 of 2014

9. It is the further case of the petitioner that he had approached this Court earlier by filing writ petition *vide* W.P.No.26088 of 2004 to quash the proceedings dated 11.08.2004 and BPMs.82 dated 26.03.1986 and to direct the respondents to promote the petitioner on par with the junior who had been promoted as Executive Engineer on 21.10.2003; that this Court taking note of the fact that he did not challenge the proceedings of the respondents dated 03.12.2004 wherein the respondents had given reasons for his non-inclusion in the panel for promotion as Assistant Executive Engineer in the year 1984; and that revised panel of Assistant Executive Engineer for the year 1984 and 1987 having been communicated to the individuals concerned, by order dated 29.01.2007, was pleased to observe that it is open for the petitioners to make necessary representation to the authorities with regard to the placement in the seniority list along with the details.

10. Petitioner contended that pursuant to the aforesaid direction of this Court, he had submitted a detailed representation dated 30.07.2009 by obtaining necessary information under RTI Act and the said representation was followed up by reminder dated 22.10.2009.



W.P.No.12330 of 2014

11. Petitioner also contended that as the aforesaid representation submitted by him did not elicit any response from the respondents, he had approached this Court once again by filing writ petition *vide* W.P.No.12385 of 2010 seeking direction for a time bound consideration and disposal of the representation; and that when the said writ petition came up for hearing on 15.02.2010, the learned counsel for the respondents accepted notice and the matter was posted to 21.06.2010; and that on 21.06.2010, when the matter came up again for hearing, it was informed to this Court by the learned counsel for the respondents submitted that the representation submitted by him on 30.07.2009 was disposed of and the order dated 14.06.2010 was communicated to him; that the Court taking note of the aforesaid submission made by the respondents was pleased to close the writ petition on 21.06.2010 with liberty to challenge the order of the respondents dated 14.06.2010 under which the representation submitted by the petitioner was considered and rejected. Hence, the present writ petition.

12. Counter affidavit on behalf of the respondents is filed.

13. The respondents by the counter affidavit contended that the petitioner was appointed as Junior Engineer from the Feeder post and after completion of 10



W.P.No.12330 of 2014

years of satisfactory service, was moved to selection grade with effect from 14.03.1983; that as there was an adverse remark against him in the confidential report and the vigilance enquiry was contemplated against him, his name was not included in the panel to the post of Assistant Executive Engineer for the year 1984; and that his name was considered to the post of Assistant Executive Engineer in the year 1987 and the petitioner was promoted to the post of Assistant Executive Engineer on 07.11.1987.

14. The respondents by the counter affidavit further contended that as the petitioner did not challenge the panel prepared consisting of names of employees fit for promotion to the post of Assistant Executive Engineer in the year 1987, he has no *locus standi* to claim revision of seniority after a lapse of 15 years.

15. The respondents by the counter affidavit further contended that the petitioner had retired from service on attaining the age of superannuation on 31.12.2006; and that while in service, he had filed a writ petition *vide* W.P.No.26088 of 2004 praying for quashing of BPMs.No.82 dated 26.03.1996; proceedings dated 11.08.2004; to direct the respondents to restore his seniority in accordance with the BPMs dated 30.07.1982 and to promote him on par with his



W.P.No.12330 of 2014

juniors who had been promoted as Executive Engineer on 21.10.2003; that this Court had dismissed the said writ petition on 29.01.2007 with a direction to the petitioner to submit a representation to the authorities concerned with regard to the seniority and directed the respondents to consider the said representation on merits and in accordance with law by passing appropriate orders; that the respondents, on due consideration of the representation having regard to the Rules and the legal principles, issued orders rejecting the request of the petitioner; that the challenge to the revised seniority *vide* proceedings dated 14.06.2010 impugned in the present writ petition is time barred.

16. Contending as above, the respondents seek for dismissal of the writ petition.

17. I have taken note of the respective contentions as urged.

18. At the outset, it is to be noted that the present writ petition has been filed by the petitioner assailing the proceedings of the respondents dated 14.06.2010 after a lapse of nearly 4 years from the date of being served with the said proceedings.



W.P.No.12330 of 2014

19. Not only the petitioner laid challenge to the impugned proceedings with delay, the petitioner also kept quiet when his name was not included in the panel for promotion to the post of Assistant Executive Engineer in the year 1984.

20. Further, on the respondents issuing proceedings fixing the seniority in the year 1996, the petitioner chose not to file an appeal against the said proceedings or assail the said seniority fixed before the appropriate forum. Thus, the petitioner allowed the seniority list published by the respondents to attain the finality. It was only in the year 2004 i.e., after a lapse of 8 years from the publication of seniority list, the petitioner challenged the said seniority by approaching this Court by filing a writ petition *vide* W.P.No.26088 of 2004 and sought to restore his seniority in accordance with B.P.Ms.No.306 dated 30.07.1982. This Court, however, not being inclined to grant any relief in the said writ petition, granted liberty to the petitioner to submit a representation to the respondents and further directed the respondents to consider the representation in accordance with law. It is based on the representation submitted by the petitioner dated 30.07.2009 and reminder dated 22.10.2009, i.e., after a lapse of nearly 2 ½ years after this Court granted liberty *vide* its order dated 29.01.2007, nearly 13 years have passed-by.



W.P.No.12330 of 2014

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21. It is trite law that the challenge to the seniority list should be made by way of appeal or immediately on publication of such seniority list and that the seniority list which has attained the finality should not be disturbed or unsettled normally as the same would have a catastrophic effect, as held by the Hon'ble Supreme Court in the case of ***V.Vincent Velankanni Vs. Union of India and others (2024 SCC Online SC 2642)***.

22. In the present case, the petitioner not only did not lay the challenge to the seniority list published by B.P.Ms.No.82 dated 26.03.1996, at the relevant point of time and having challenged the said proceedings for the first time only in the year 2004 *vide* W.P.No.26088 of 2004; the said challenge cannot be considered as the petitioner approaching this Court immediately ventilating his grievance.

23. On the other hand, the conduct of the petitioner originally in challenging the seniority list published after a lapse of 8 years from its publication and also the submission of representation 2 ½ years after this Court granted liberty while disposing of the writ petition, more particularly, taking note of the fact that the petitioner having retired from service on 31.12.2006, this Court is of the view that



the challenge to the proceedings suffers on account of delay and laches on the part of the petitioner, apart from the petitioner not being entitled to seek restoration of the seniority particularly after having retired from service.

24. The Hon'ble Apex Court , in the case of ***State of Tamil Nadu Vs. Seshachalam reported in (2007) 10 SCC 137***, held that

“by filing representation would not save the period of limitation. The delay or laches is a relevant factor for a Court of law to determine the question as to whether the claim made by the applicant deserves consideration. The delay and/or laches on the part of the Government Servant may deprive him of the benefit which had been given to others. Article 14 of the Constitution of India would not, in a situation of that nature, be attracted as it is well known that law leans in favour of those who are alert and vigilant.”

25. Accordingly, this Writ Petition as filed is devoid of merits and is accordingly, dismissed. No order as to costs.

16.04.2026

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

11/13



W.P.No.12330 of 2014

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W.P.No.12330 of 2014

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W.P.No.12330 of 2014

16.04.2026