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W.P No. 22556 of 2017
IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.01.2026

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 22556 of 2017

and WMP.No. 23684 of 2017

R.Sivakumar

..Petitioner

Vs

The Divisional Engineer,
Highways, Construction and Maintenance,
Dharapuram Division,
Dharapuram,
Tiruppur District.

..Respondent

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent in Ku.No.866/2017/Aa.2/ dated 17.07.2017 and quash the same and direct the respondent to redraw the seniority list issued on 26.04.2017 with reference to the date of appointment of the Salai Paniyalargal of all the five Sub-Divisions in Dharapuram Division.

For Petitioner : Mr. P. Mohanraj

For Respondent : Mrs. S. Anitha, Spl.GP

ORDER

The challenge in this writ petition is to the order dated 17.07.2017 bearing Ku.No.866/2017/Aa.2 passed by the sole respondent. By the said order,



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the petitioner's request to revise the seniority list of Road Gangmazdoors by reckoning the date of initial appointment was rejected.

2. The petitioner was appointed as a Road Gangmazdoor on 03.11.1997, and his services were regularised with effect from 03.11.1998. His probation was declared satisfactory on 02.11.1999. The Dharapuram Division was formed on 01.03.2010 by merging two divisions, namely, Erode and Pollachi. The Erode Division comprised three sub-divisions, namely, Dharapuram, Vellaikoil, and Moolanur, while the Pollachi Division comprised two sub-divisions, namely, Udumalpet and Madathukulam. All five sub-divisions were brought under the jurisdiction of the Dharapuram Division with effect from 01.03.2010.

3. The respondent published a common seniority list for all five sub-divisions on 01.04.2017. In the said seniority list, the petitioner's name was placed below his juniors. The petitioner submitted a representation requesting cancellation of the said seniority list and placement of his name in the appropriate position. However, the respondent rejected the representation by the impugned order dated 17.07.2017. Aggrieved thereby, the present writ petition has been filed.



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4. Heard the submissions of the learned counsel for both parties and perused the materials available on record.

5. The seniority list of Road Gangmazdoors working in all five subdivisions was published on 01.04.2017. It indicates that the date of appointment of the petitioner to the post of Road Gangmazdoor is 03.11.1997, and he was placed at Serial No.51. However, Road Gangmazdoors placed above the petitioner, namely at Serial Nos.48 and 50, were appointed on 05.11.1997.

6. In the counter affidavit, the respondent has stated that, upon formation of the Dharapuram Division, workers from two different divisions, who had joined service on different dates in their respective divisions, were integrated and, therefore, the petitioner was placed at Serial No.51.

7. Rule 35(a) of the Tamil Nadu State and Subordinate Service Rules reads as follows:

“The seniority of a person in a service, class, category or grade shall, unless he has been reduced to a lower rank as a punishment, be determined by the rank obtained by him in the list of approved candidates drawn up by the Tamil Nadu



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Public Service Commission or other Appointing Authority, as the case may be, subject to the rule of reservation where it applies.”

8. The above rule clearly mandates that seniority shall be determined with reference to the date of appointment. In the present case, persons appointed on 05.11.1997 have been placed above the petitioner, who was appointed on 03.11.1997, in the seniority list published on 01.04.2017. The respondent has not pointed to any statutory provision, rule, or government order authorising deviation from Rule 35(a) on the ground of integration or re-organisation. Such placement is arbitrary, discriminatory, and in violation of Rule 35(a) of the Tamil Nadu State and Subordinate Service Rules. Consequently, the impugned order passed by the respondent is unsustainable and liable to be set aside.

9. Accordingly, the following order is passed:

- i. The writ petition is allowed.
- ii. The impugned order dated 17.07.2017 passed by the respondent is set aside.
- iii. The respondent is directed to revise the seniority list of Road Gangmazdoors drawn on 01.04.2017 by reckoning the date of appointment of the employees as Road Gangmazdoors in all five subdivisions of the Dharapuram Division, strictly in accordance with Rule 35(a) of the Tamil Nadu State and Subordinate Service Rules.



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iv. The above exercise shall be completed within a period of two (2) months from the date of receipt of a copy of this order.

v. Consequently, the connected miscellaneous petition is closed.

There shall be no order as to costs.

19.01.2026

Index : Yes

Internet : Yes

Neutral Citation : Yes/No

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To

The Divisional Engineer,
Highways, Construction and Maintenance,
Dharapuram Division,
Dharapuram,
Tiruppur District.



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HEMANT CHANDANGOUDAR, J.

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