



WEB COPY

WP No. 1756 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 1756 of 2026

M.Shahul Hameed

..Petitioner(s)

Vs

1. The Secretary to the Government
Government of Tamil Nadu,
Highways and Minor Ports Department,
Secretariat,
Chennai-600 009
2. The Secretary of Government of Tamil Nadu
Rural Development and Panchayat Department,
Secretariat,
Chennai -600 009
3. The Director General
Highways Department,
H.R.S. Campus, Guindy,
Chennai -600 015
4. The Director of Rural Development and
Panchayat Department,
Panagal Building, Saidapet,
Chennai -600 015.
5. The Divisional Engineer (Highways)
Tiruppur Division,
Tiruppur-641 687.



..Respondent(s)

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Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representations dated 26.05.2023 and 24.02.2024 for upgrading petitioner as Road Inspector Grade I on completion of 5 years of Service in the light of the order passed by this Honble High Court in WP (MD) No. 7738 to 7749 of 2008 dated 12.12.2012 which was upheld by the Bench of this Honble court in WA (MD) No. 262 to 273 of 2016 and the SLP Filed by the respondents in Diary No. 22120 of 2017 which was also dismissed as withdrawn and pass orders within a reasonable time.

For Petitioner(s): Mr.K.P.P.Raja Raja Chozhan

For Respondent(s): Mr.T.M.Rajangam

Government Advocate

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.This writ petition has been filed seeking a direction to the respondents to consider the petitioner's representations dated 26.05.2023 and 24.02.2024 for upgrading petitioner as Road Inspector Grade I on completion of 5 years of



Service in the light of the order passed by this Hon'ble High Court in WP (MD) No. 7738 to 7749 of 2008 dated 12.12.2012 which was upheld by the Bench of this Honble court in WA (MD) No. 262 to 273 of 2016 and the SLP filed by the respondents in Diary No. 22120 of 2017 which was also dismissed as withdrawn and pass orders within a reasonable time.

3.The case of the petitioner is that he joined service as a Road Inspector Grade-II on 04.10.1973 and retired in 2009, as a Road Inspector Grade-I, after completing long and continuous government service. Originally, as per G.O Ms.No.1858 dated 22.10.1969, a minimum of 10 years' service in Grade-II was initially required for movement to Grade-I. Subsequently, this requirement was reduced to 5 years by G.O.Ms.No.856 dated 01.06.1977. Since the duties and responsibilities of Grade-II and Grade-I are identical, the Hon'ble Supreme Court in *BSNL v. R.Shanthakumari Velusamy* held that such movement is only an upgradation and not a promotion. Further, the Madurai Bench of this Hon'ble Court, in W.P (MD) No. 7738 to 7749 of 2008, directed the implementation of 5 year rule. The State's appeal in W.A Nos.262 to 273 of 2016 was dismissed, and the SLP filed by the respondents in Diary No. 22120 of 2017 was also dismissed as withdrawn. Subsequent judgments, including W.A No.391 of 2017 and W.A(MD) No.424 of 2023, have reaffirmed this entitlement and granted liberty to individual employees to seek corresponding monetary benefits. Although the petitioner's non-provincialised service has



already been counted for increments and pension under G.O.Ms.No.893 dated 22.08.1994, the respondents have refused to consider the same for up-gradation to Selection Grade and Special Grade, resulting in arbitrary and discriminatory denial of benefits. The petitioner made detailed representations on 26.05.2023 and 24.02.2024, but, the same has not been considered till date. Hence the present writ petition has been filed.

4.The learned counsel for the petitioner would submit that it would suffice, if a direction is issued to the 3rd respondent to consider the petitioner's representations dated 26.05.2023 and 24.02.2024, within a reasonable time to be fixed by this Court.

5.Considering the limited request made by the learned counsel for the petitioner and without expressing any opinion on the merits of the case, this Court, directs the 3rd respondent to consider the petitioner's representation dated 26.05.2023 and 24.02.2024, and to pass appropriate orders on merits and in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.



6. With the above directions, this writ petition stand disposed of. No costs.

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Index: Yes/No

(6/14)

Speaking/Non-speaking order

Neutral Citation: Yes/No

UMA



To

1. The Secretary to the Government
Government of Tamil Nadu,
Highways and Minor Ports Department,
Secretariat,
Chennai 09
2. The Secretary of Government of Tamil Nadu
Rural Development and Panchayat Department,
Secretariat,
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M.DHANDAPANI, J.

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