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# பொறியாளர்

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**ASSOCIATION OF ENGINEERS &  
ASSISTANT ENGINEERS' ASSOCIATION  
TNPWD - CUDDALORE & VILLUPURAM BRANCH**

*Cordially invites you on the occasion of*  
**STATE GENERAL BODY MEETING**  
of  
**AOE & AEA, TNPWD**

Date : 14.12.2019 Saturday - Time - 10.35 A.M

Venue : **SRI BALAJI MAHAL (A/C)**  
**Villupuram**

(Opp. New Bus Stand, Villupuram)

*Kindly Participate and offer your positive and constructive  
Suggestions for strengthening our Associations.*

*Yours affectionately*

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President, AEA,

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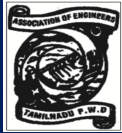
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## தலையங்கம்

### நாளிதழ் செய்திகள் - நமது பார்வை:

பாரம்பரியமிக்க நமது பொதுப்பணித்துறையை பற்றியும் துறையின் நிர்வாக செயல்பாடுகள் பற்றியும் சமீபகாலமாக தினகரன், தினமலர் உள்ளிட்ட நாளிதழ்களில் தொடர்ச்சியாக செய்திகள் வருகின்றதை அறிவோம்.

துப்பறிந்து வெளியிடப்படும் செய்திகள் என்ற பெயரில், பெயர் வெளியிட விரும்பாத பொறியாளர் சொன்ன தகவல் என்றும், பொதுப்பணித்துறை வளாகத்தில் ஊழியர்கள் மத்தியில் விவாதிக்கப்பட்ட தகவல் என்ற பெயரிலும், உண்மைக்கு புறம்பான தகவல் நாளிதழ்களில் வெளியிடப்படுவதால் பொதுமக்களிடையே நமது துறையைப் பற்றி தவறான அபிப்பிராயத்தை ஏற்படுத்துகிறது.

பெயர் வெளியிடாமல் நமது துறையில் பணியாற்றி வரும் பொறியாளர்கள் மீது அவதூறு கூறுவதும், அச்செய்தியை சம்பந்தப்பட்டவர்களிடம் விசாரிக்காமல் பத்திரிக்கையில் வெளியிடுவதும் முறையற்ற செயலாகும் என்பதை தொடர்புடையவர்கள் உணர்ந்து தவிர்த்திட வேண்டுகிறோம்.

துறையை பற்றிய எதிர்மறையான மற்றும் அவதூறான செய்திகளை துறைசார்ந்த பொறியாளர்களே வெளியிடுவது அவர்களின் நாணயத்தை கேள்விக்குறியாக்குகிறது. அத்தகைய செயல் அவர்களுக்கு இழுக்கு என்பதை உணர்ந்து பொய் செய்திகளை தவிர்த்திட வேண்டுகிறோம்.

பத்திரிக்கைகளின் பலம் என்பதே வாசிப்பவர்கள் முதலில் செய்தியை உண்மை என்று நம்பிய பிறகே அதை ஆராய்வார்கள் என்பதுதான். சமீபகாலமாக நமது துறையை பற்றி வரும் தவறான செய்திகள் சம்பந்தப்பட்ட நாளிதழ்களின் நம்பகத் தன்மையை கேள்விக்குறியாக்குகின்றது.

நமது பணிநலன் தொடர்புடைய செய்திகளை நமது சங்கத்தின் வாயிலாக வெளியிடுவதே நம் துறைக்கும் நமது உறுப்பினர்களுக்கும் நலன் பயக்கும் என்றும் தெரிவித்துக்கொள்கிறோம்.

- ஆசிரியர்

**பெருமதிப்பிற்குரியர், பேரன்பிற்கினியர், வணக்கம்.**

- ✍ உதவிப் பொறியாளர், உதவிச் செயற்பொறியாளர் மற்றும் செயற் பொறியாளர்கள் ஊதிய விகிதம் தொடர்பான வழக்கு உச்ச நீதிமன்றத்தில் 18.11.2019-க்கு பின்னர் விசாரணைக்கு எடுத்துக்கொள்ளப்பட உள்ளது. அவ்வழக்கு தொடர்பாக ஏற்கனவே நியமனம் செய்யப்பட்டுள்ள மூத்த வழக்கறிஞர்களுடன் விவாதிக்கவும், வழக்கு நடைபெறும் நாட்களில் டெல்லியில் இருந்திடவும் நமது வழக்கறிஞருடன் நமது பொறுப்பாளர்கள் டெல்லி செல்லவுள்ளனர். வழக்கினை விரைந்து முடிக்க அனைத்து நடவடிக்கைகளும் எடுக்கப்பட்டுவருகின்றன.
- ✍ ஏழாவது ஊதியக்குழுவின் பரிந்துரைகளை நமக்கு 01.07.2019 முதல் அமுல்படுத்தப் பெறப்பட்ட உயர்நீதிமன்ற அமர்வின் உத்தரவினை அரசு செயல்படுத்தாதது தொடர்பாக நாம் தொடர்ந்த நீதிமன்ற அவமதிப்பு வழக்கிற்கு எதிராக அரசு உச்ச நீதிமன்றத்தினை அணுகியுள்ளது. அந்த வழக்கினையும் விரைந்து முடித்திட நடவடிக்கை எடுக்கப்பட்டு வருகின்றது. மேற்கண்ட ஊதிய முரண்பாட்டினை களைய தொடரப்பட்ட வழக்கிற்காக தாராளமாக வழக்கு நிதி வழங்கிய பொறியாளர்கள் அனைவருக்கும் மீண்டும் ஒரு முறை எங்கள் நெஞ்சார்ந்த நன்றியினைத் தெரிவித்துக்கொள்கிறோம்.
- ✍ உதவிப் பொறியாளர் (சிவில்) மற்றும் உதவிப் பொறியாளர் (மின்) காலிப் பணியிடங்களுக்கு அரசுப் பணியாளர் தேர்வாணையத்தினால் தேர்வு செய்வது தொடர்பான எழுத்துத்தேர்வின் முடிவுகள் வெளியிடப்பட்டுள்ளன. நமது கோரிக்கையினை ஏற்று உதவிப் பொறியாளர் (சிவில்) பதவியில் ஏற்கனவே வெளியிடப்பட்ட காலியிட மதிப்பீடான 193 உடன் மேலும் 220 எண்ணிக்கையை இந்த அறிவிக்கையிலே சேர்த்து மொத்தம் 413 உதவிப் பொறியாளர் (சிவில்) தேர்வு செய்திட உரிய நடவடிக்கை மேற்கொண்ட மாண்புமிகு தமிழக முதல்வர் அவர்களுக்கும், அரசு முதன்மைச் செயலாளர், பொதுப்பணித்துறை அவர்களுக்கும், முதன்மைத் தலைமைப் பொறியாளர் நீ.ஆ.து., தலைமைப் பொறியாளர் (பொது) பொது மற்றும் இணைத் தலைமைப் பொறியாளர் (பொது) அவர்களுக்கும் எங்கள் மனமார்ந்த நன்றியினைத் தெரிவித்துக்கொள்கிறோம்.
- ✍ உதவிச் செயற்பொறியாளர் (சிவில்) மற்றும் செயற் பொறியாளர் (சிவில்) பதவி உயர்வு தொடர்பான வழக்குகள் இதுவரை இறுதி செய்யப்படாததால் துறையில் உள்ள அதிகப்படியான காலியிடங்களை தற்காலிக பதவி உயர்வு மூலம் நிரப்பிட நடவடிக்கைகள் மேற்கொள்ளப்பட்டு வருகின்றன.
- ✍ உதவிச் செயற்பொறியாளர் (சிவில்) பதவி உயர்வு தொடர்பாக முதன்மைத் தலைமைப் பொறியாளர் நீ.ஆ.து. மற்றும் தலைமைப் பொறியாளர் (பொது) பொது அவர்கள் நடத்திய

பேச்சுவார்த்தையில் நம்முடைய நிலைப்பாட்டை தெரிவித்திட அனைத்து உதவிப் பொறியாளர்களின் கலந்துரையாடல் கூட்டம் நமது சங்கத்தில் 19.10.2019 அன்று நடத்தப்பட்டது. அக்கூட்டத்தில் எடுக்கப்பட்ட முடிவுகள் முதன்மைத் தலைமைப் பொறியாளர் நீ.ஆ.து. மற்றும் தலைமைப் பொறியாளர் (பொது) பொபது அவர்களிடமும் தெரிவிக்கப்பட்டுள்ளது.

- ✍ கண்காணிப்புப் பொறியாளர் (சிவில்) காலியிடங்களை 31.03.2020 வரை கணக்கிட்டு 17 செயற்பொறியாளர்களுக்கு கண்காணிப்புப் பொறியாளர் பதவி உயர்வு வழங்கிட **முதன்மைத் தலைமைப் பொறியாளர் நீ.ஆ.து. மற்றும் தலைமைப் பொறியாளர் (பொது) பொபது** அவர்களை மீண்டும் வேண்டியுள்ளோம்.
- ✍ உதவிப் பொறியாளர் தேர்வு நிலை கருத்துரு அனுப்புவதில் கழுக்க அறிக்கை தொடர்பாக ஏற்பட்டிருந்த தேவையற்ற காலதாமதத்தினை தவிர்த்திடும் பொருட்டு திருத்திய சுற்றறிக்கையை வெளியிட்ட **முதன்மைத் தலைமைப் பொறியாளர் நீ.ஆ.து., மற்றும் தலைமைப் பொறியாளர் (பொது) பொபது**, மற்றும் **இணைத் தலைமைப் பொறியாளர் (பொது)** அவர்களுக்கும் பாராட்டுதலையும், நன்றியையும் சங்கத்தின் சார்பில் தெரிவித்துக்கொள்கிறோம்.
- ✍ நமது சங்கங்களின் மாநில பொதுக்குழு கூட்டம் 14.12.2019 அன்று **“ஸ்ரீ பாலாஜி மஹால் ஏ/சி, விழுப்புரத்தில் (விழுப்புரம் புதிய பேருந்து நிலையம் எதிரில்)** நடைபெறவுள்ளது. இதற்கான அறிவிப்பு மற்றும் அழைப்பிதழ் இவ்விதழில் பிறிதொரு பக்கத்தில் வெளியிடப்பட்டுள்ளது. உறுப்பினர்கள் அனைவரும் பெரும் திரளாக கலந்துக்கொண்டு தங்கள் கருத்துக்களை தெரிவிக்க வேண்டுகிறோம்.
- ✍ 2020ஆம் ஆண்டிற்கான நாட்காட்டி மற்றும் நாட்சுவடி அச்சிடப்படவுள்ளது. கிளைச் சங்கங்கள் பொறுப்பாளர் பட்டியலை உடன் தலைமைச் சங்கத்திற்கு அனுப்பிவைத்திட கோருகிறோம். நாட்காட்டி மற்றும் நாட்சுவடி சிறந்த முறையில் வெளியிட உங்கள் ஒத்துழைப்பை வேண்டுகிறோம்.
- ✍ தமிழ்நாடு பொறியாளர் கூட்டமைப்பின் கூட்டம் 05.11.2019 அன்று நமது தலைமைச் சங்கக் கட்டடத்தில் நடைபெற்றது. இக்கூட்டத்தில் அனைத்து துறைப் பொறியாளர்களும் கலந்துக்கொண்டு சிறப்பித்தனர்.
- ✍ இந்தியப் பொறியாளர் கூட்டமைப்பின் தென்மண்டலக் கூட்டம் 16.11.2019 அன்று ஆந்திர பிரதேசத்திலுள்ள விஜயவாடாவில் நடைபெற்றது. மேற்கொண்ட கூட்டத்தில் நமது சங்கங்களின் சார்பில் பொறி.C.பாலமுருகன் மற்றும் பொறி.P.ராஜேந்திர பிரசாத் ஆகியோர் கலந்துக்கொண்டு சிறப்பித்தனர்.

மிக்க அன்புடன்,

**பொறிஞர்.மு.தனசேகரன்,**  
பொதுச் செயலாளர், உதவிப் பொறியாளர் சங்கம்

**பொறிஞர்.கா.முருகன்,**  
பொதுச் செயலாளர், பொறியாளர் சங்கம்

**Extract of the Judgement delivered on 15.11.2019 by THE HON'BLE MR. JUSTICE M.M.SUNDRESH and THE HON'BLE MR. JUSTICE RMT.TEEKAA RAMAN in the following cases challenging TNPS act 2016.**

**W.P.Nos.998, 1147, 5735, 6649, 22852, 34311, 34312 of 2017, 7511, 8718 to 8720, 10021, 11150, 11151, 18725, 22136, 26442, 31156 of 2018 and W.A.No.2610 of 2019 & W.M.P.Nos.979, 1110, 2406, 7157, 9561 to 9563, 24031, 38184 to 38187 of 2017, 390, 8377, 12804, 13090 to 13093, 25948, 29917, 29932, 30136, 30722, 36350 and 36351 of 2018**

### **37. DISCUSSION:**

**37.1.** We shall first take the issue qua 'constitutional validity'. Admittedly, the impugned provisions have been introduced, seeking power from Article 16 of the Constitution of India. There is no difficulty in understanding the entire Article as a whole. Either they may have different role or similar, they are meant to achieve the constitutional goal and thus, concern is the same. Social equality is not against the concept of equality. We do not wish to undertake a studied scrutiny of the Article which had W.P.No.998 of 2017 come up for a larger evaluation before the Apex Court starting from **Indra Sawhney** and ending with **Jarnail Singh and others Vs Lachhmi Narain Gupta(2018 (10) Supreme Court Cases 396)**.

**37.2.** Article 16(4) has to be read along with Article 16(2) of the Constitution of India. So long as the existence of inadequate representation supported by empirical and quantifiable data and material in vogue, it is well open to the State to have reservation in selection to bring forth social justice. After all, that must be the constitutional duty and the responsibility of the State towards its goal and philosophy. Resultantly, any non compliance in this regard would infringe its protection given under Article 16(2) of the Constitution of India. Therefore, any reservation is not automatic but can only be on need basis. This is more so, for a special reservation, either horizontal or internal.

**37.3.** In the case on hand, the State of Tamil Nadu took umbrage under Article 16(4) of the Constitution of India to get over the dictum of the Court. We may note at the cost of repetition that the Constitutional Bench of the Apex Court has already held and which was taken note of by W.P.No.998 of 2017 other decisions, that Article 16(4) does not authorise such an action unless there is an express provision like the one introduced by way of 77th and 85th amendments in Article 16(4A) of the Constitution of India. As it is an express statement of law, we are constrained to hold that the State of Tamil Nadu does not have the power, authority or cachet to introduce the impugned provisions tracing Article 16(1) and 16(4) of the Constitution of India as their source of power, we are constrained to note that we are dealing with a case involving all sort of reservations at the level of seniority when there is no material available nor produced before this Court.

**37.4.** The learned Advocate General placed substantial reliance upon the judgment of the Apex Court in **B.K.Pavitra II** to convince us that Article 16(4) of the Constitution of India is not only an enabling provision, but has sufficient resource in it to take care of the situation warranting reservation in promotion, which would include seniority as well.

**37.5.** We are afraid the said contention cannot be countenanced for more than one reason. We have already discussed the import of the said decision. It is certainly distinguishable on facts. Firstly, the issue was with W.P.No.998 of 2017 respect to the scope and ambit of Article 16(4-A) of the Constitution of India. However, we are concerned with Article 16(4-A) of the Constitution of India, which is sought to be applied for seniority. Secondly, there was a comprehensive report which found acceptance by the Court, which is certainly missing in our case. Thirdly, the Apex Court has held that the outer limit of 50% for reservation shall not be breached. It is accordingly breached, through the 200 point roster by providing 69% reservation along with horizontal and internal reservation. It is to be stated that facilitating a meritorious reserved candidate to choose 'general turn' or 'reserved' would only mean that the State treats him as a reserved candidate. This observation, we make only to indicate that reservation in selection is different from seniority and promotion. In fixing seniority and conferring promotion, different yardsticks and parameters are to be applied.

**37.6.** We may also note that the Apex Court was conscious of all the decisions rendered by it starting from **Indra Sawhney case** on the understanding of Article 16(4) and 16(1) of the Constitution of India. If the interpretation sought to be given by the learned Advocate General is found acceptance by us, then in such event, Article 16(4-A) of the Constitution of India would become redundant and otiose making it nugatory.

**37.7.** Accordingly, we hold that the impugned provisions do not have the legal sanctity under Article 16 of the Constitution of India. Even assuming that the same is in existence, the adequacy and the need for reservation have not been supported by requisite materials. Therefore, on both these grounds, the provisions are to be declared as ultra vires and unconstitutional.

**37.8.** Though a submission has been made by the learned Senior Counsel Mr.N.L.Raja appearing for the respondents 9 and 10 in W.P.No.6649 of 2017 that the right involved is only a statutory right, we are unable to accept the same as we are concerned with the issue of fixation of seniority in accordance with law. Such a right is strengthened by the orders of the Court removing legal obstacles.

**37.9.** As we declare the provisions to be unconstitutional, the petitioners get their interest to be considered for promotion based on their W.P.No.998 of 2017 seniority on the order of merit. It does create an interest to be considered for promotion with seniority as a facet of intact. Certainly a declaration of law by a constitutional Court followed by its directions creates a right which can be enforced after the impediment goes. Support is drawn by us in the decision of the Apex Court in **S.S.Bola and Others V. B.D.Sardana and Others (1997 (8) Supreme Court Cases 522)**, wherein in paragraph 153, it has been held as follows:

“153(AB). A distinction between right to be considered for promotion and an interest to be considered for promotion has always been maintained. Seniority is a facet of interest. The rules prescribe the method of recruitment/selection. Seniority is governed by the rules existing as on the date of consideration for promotion. Seniority is required to be worked out according to the existing rules. No one has a

vested right to promotion or seniority. But an officer has an interest to seniority acquired by working out the rules. The seniority should be taken away only by operation of valid law. Right to be considered for promotion is a rule prescribed by conditions of service. A rule which affects chances of promotion of a person relates to conditions of service. The rule/provision in an Act merely affecting the chances of promotion would not be regarded as varying the conditions of service. The chances of promotion are not conditions of service. A rule which merely affects the chances of promotion does not amount to change in the conditions of service. However, once a declaration of law, on the basis of existing rules, is made by a constitutional court and a mandamus is issued or direction given for its enforcement by preparing the seniority list, operation of the declaration of law and the mandamus and directions issued by the Court is the result of the declaration of law but not the operation of the rules per se.”

**37.10.** On the questions pertaining to conversion of Roster Point System to be utilised as the basis of seniority, removal of the basis, retrospective effect and affecting the efficiency of the administration, we do hold that they are accordingly dealt with elaborately in **B.K.Pavitra II**. However, for doing so, there must be sanction of law which is apparently lacking in these cases, in the absence of any enabling provision like Article 16(4-A) of the Constitution of India. Obviously, a statute can be made to operate retrospectively. However, there must be reasons for doing so. We may also note that even in **B.K.Pavitra-II** in the first round, the writ petitions filed were allowed and thereafter, the impugned enactment came. The Court was also concerned with the roster point. Similarly, a right to get vested should crystallise into a settled one. Except the writ petition in W.P.No.5735 of 2017, where the benefit of the Division Bench has already been granted, we do not find any vested right being affected.

**37.11.** Mr.S.R.Raghunathan, learned counsel appearing for the petitioners in W.P.No.5735 of 2017, placed reliance upon Article 31(b) of the Constitution of India along with IX Schedule to bring forth a distinction between Act 45/1994, which was accordingly placed in the IX Schedule and the present impugned provisions. The said contention, in our considered view, deserves to be rejected. Firstly, 200 point roster exists for quite some time and even during the earlier round of litigation. Strangely it was not questioned at the relevant point of time. Therefore, the question of delay, laches and acquiescence would certainly arise. Some of the petitioners are also beneficiaries of the 200 point roster. Thus, a petitioner, who is the beneficiary, cannot turn-round and question the same when it comes to seniority. Doctrine of approbate and reprobate would get attracted. Even before us, this issue has not been raised in the affidavit filed but raised such a plea only at the time of argument and followed by the written argument. The constitutional validity of the Tamil Nadu Act 45 of 1994 is also pending before the Apex Court. The petitioners cannot be allowed to contend that it is alright to follow 69% reservation for selection but not for seniority. We are not inclined to go into the contention raised on merit at this point of time.

**37.12.** We find the presence of 'manifest arbitrariness' in the impugned provisions. Neither there appears to be any power available nor procedure followed. This appears to be a knee jerk reaction to circumvent and nullify the judgment of the Division Bench in **Santhosh Kumar case**, which attained finality. Obviously, the purpose is to undermine the benefit conferred. Though a basis can very well be removed, however, as Article 16 of the Constitution of India does not confer any such power except on adequacy, that not being complied with, coupled with the fact that when there involves a right to be considered for promotion, the impugned provisions are nothing but product of 'legislative arbitrariness'.

**37.13.** We do not find any 'fairness in action' on the part of the official respondents for the aforesaid reason. A 'welfare State' will have to keep in mind the interest and one and all. Any action of the State should be a balancing one and therefore, a basic rational approach is required. Unfortunately, the distributory justice appears to be missing.

**37.14.** Now, let us take the individual writ petitions. W.P.Nos. 11150, 11151 and 22136 of 2018 have been filed questioning the backlog. Here again, the question of delay, laches and acquiescence would be relevant factors. At the time of seniority fixation, no eyebrows were raised. Few promotions have taken place. After quite a number of years, these writ petitions have been filed inter alia alleging that the procedure followed is contrary to **R.K.Sabharwal's case**. We are afraid such a challenge cannot be permitted at this stage. Persons have been moved from the post of Assistant Engineer to Assistant Executive Engineer and to Executive Engineer. Though the last promotion was made during the pendency of the proceedings before us, the earlier promotions were never questioned. It is not, as if, the petitioners were not aware of the seniority fixed. We are not inclined to accept the contentions on merit as well.

**37.15.** We are dealing with the issue which has arisen because of the filling up of the backlog vacancies. Backlog vacancies were filled up along with ensuing year by carrying them forward. The backlog vacancies are thus meant for the previous year. Therefore, there is nothing wrong in the private respondents being placed above the petitioners. After all, we are concerned with the social justice to be rendered leading to equality. If to say there is over representation, now, it implies, there was under representation earlier. The private respondents could have been selected in the earlier year. Had it been done, the petitioners would not have got any grievance. Just because, the selection process happens to be one and the same, the petitioners cannot claim parity with the private respondents. Accordingly, W.P.Nos. 11150, 11151 and 22136 of 2018 deserve to be dismissed.

**37.16.** W.P.Nos.998 of 2017 and 10021 of 2018 have been filed on the premise that a candidate, who is otherwise eligible to be considered under the 'general turn' has not been considered as against a less meritorious one. There is no dispute on the factual position. However, what had happened was that the Tamil Nadu Public Service Commission fixed the cut off marks for each category starting from 'general turn'. As per Section 27(d) of the Act and Rule 22(b), a candidate, who is entitled to be considered under reservation category, is also eligible to contest the general turn. Now what it did



was to permit a candidate belonging to the Backward Community reserved category to be fitted in the said category, though he came under 'general turn' on performance. This was done to facilitate the candidate to go up in the seniority or better posting as the case may be. In a given case, there may not be any difficulty in the procedure adopted from the point of view of the meritorious reserved candidate. Unfortunately, the candidate, in the reserve category has been inter changed by placing him in the 'general turn'. Resultantly, in the vacancy created in the 'general turn' by option of the candidate so selected, the other meritorious candidate, who has got higher mark than the reserved candidate got missed out. This is a classical illustration of reverse/negative discrimination extending reservation in a different form.

**37.17.** As noted earlier, 69% reservation is being followed in the State of Tamil Nadu and the roster point is also fixed in accordance with the reservation policy. Therefore, there is absolutely no doubt that the procedure adopted would result in excess reservation. We have already considered the decision of the Apex Court in **Tripurari Sharan and another V. Ranjit Kumar Yadav and others(2018 (2) Supreme Court Cases 656)** on the very same issue, wherein the earlier decisions rendered were taken note of. We also hold that roster point cannot be the basis for seniority giving adequate reasons both on law and fact. The very challenge itself is to the fixation of seniority or preference on the basis of roster point.

**37.18.** Mr.Vekataramani, learned Senior Counsel appearing for the Tamil Nadu Public Service Commission, submits that there is difference between a selection, fitment and seniority. This artificial interpretation sought to be made cannot be accepted as Section 27(d) of the Act corresponding to Rule 22 only speaks about 'selection'.

**37.19.** The other contention is that the present procedure has been followed from 2003 onwards. Thus, the understanding of an Executive Authority in adopting the particular procedure on an interpretation of the provision will have to be allowed to be continued. This contention also deserves to be rejected as illegality cannot be justified on the ground of being followed for more number of years. It is nothing but a perpetuation of a wrong.

**37.20.** The petitioners are aggrieved only now and therefore, it is for the official respondents to satisfy the genuineness of the procedure followed. Rule 22(c), which is in pari materia to Section 27(e) of the Act prescribes the procedure. This provision leaves no room that what is involved is only a selection. Article 16 of the Constitution of India cannot be invoked to justify the case of a less meritorious candidate being fitted into a 'general turn', though others are waiting in queue. Such a procedure adopted is totally arbitrary to say at the least.

**37.21.** A procedure, which is being followed contrary to rule, cannot be approved by the Court, especially when it affects the right of the citizen. Section 27(d) of the Act and Rule 22(b) merely provide for meritorious reserved candidates to adopt for reserved category when it confers better benefit. However, a reserved candidate, having secured lesser marks than the other meritorious candidates, cannot supercede them by getting into the 'general turn', which procedure is not even contemplated either in the Rules or

the Act. Thus, the contention raised that neither the Rule nor an Act has been challenged cannot be countenanced because they do not provide for such a procedure.

**37.22.** The endeavour of the learned Senior Counsel to read Section 27(e) of the Act and Rule 22(c) by reading the word 'selection' as fitment and seniority also cannot be accepted on the general principle of interpretation of a statute. We do not find any ambiguity in the words used. They also clarify that selection of a meritorious reserved candidate in the 'general turn' on merit would not affect the reserved list. Hence there is absolutely no connection between 'general turn' and 'reserved'. Thus, the procedure adopted by the official respondents is nothing but an indirect way of reservation even beyond 69%. The candidates were never informed about their marks obtained. Thus, they have been kept in dark. In such view of the matter, we are of the view that W.P.Nos.998 of 2017 and 10021 of 2018 deserve to be entertained.

**37.23.** W.A.No.2610 of 2019 is also to be allowed as a consequence to the allowing of the writ petitions challenging the vires of the provisions dealt with earlier. The learned single Judge merely dismissed the writ petition by taking note of the impugned provisions and therefore, the appellant is entitled to the relief sought for.

### **38. CONCLUSION:-**

In the light of the discussion and the findings hereinabove, the following conclusion is arrived at.

- i. Sections 1(2), 40 and 70 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, are declared as ultra vires and unconstitutional;
- ii. The respondents are directed to redo the exercise of fixation of seniority within a period of 12 weeks from the date of receipt of a copy of this order;
- iii. Delay, laches, acquiescence and accrued right are the factors to be considered by the Court when similar reliefs are sought for in future;
- iv. W.P.Nos.1147, 5735, 22852, 34311, 34312 of 2017, 7511, 8718 to 8720, 18725, 26442 and 31156 of 2018 are allowed;
- v. W.A.No.2610 of 2019 is also allowed;
- vi. W.P.Nos.998 of 2017 and 10021 of 2018 stands disposed of with a direction that the petitioners are entitled to the benefit conferred under the order of the Division Bench in **Santhosh Kumar's case**;
- vii. W.P.No.6649 of 2017 stands allowed with respect to the consequential relief sought for;
- viii. Consequently, the respondents are directed to re-fix the seniority within a period of twelve weeks from the date of receipt of a copy of this order; and
- ix. W.P.Nos.11150, 11151 and 22136 of 2018 are dismissed.

No costs. Consequently, all connected miscellaneous petitions stand closed.

[M.M.S.,J.] [T.K.R.,J.]  
15.11.2019

**Note: Please visit our website [www.aoeaatnpwd.org](http://www.aoeaatnpwd.org) for full judgment**

## கிளைச் சங்கச் செய்திகள்

### கோயம்புத்தூர் கிளை

Post	Association of Engineers	Assistant Engineers Association
President	Er.A.Kumar	Er.T.Mohana Krishnan
Vice President	Er.S.Sivalingam	Er.R.Shanmugam
	Er.S.Mallika	Er.A.Vijayalakshmi
Secretary	Er.R.Ranganathan	Er.P.Vanitha
Joint Secretary	Er.C.Karthikeyan	Er.S.Latha
	Er.P.Arumugam	Er.A.Ramaraj
Treasurer	Er.V.Gowri	
Joint Secretary / ENGIBEF	Er.S.Senthil Kumaran	
Resident Engineer	Er.R.Anbalagan	
EC Members	Er.R.Thirunavukarasu Er.R.Appusamy Er.P.Selvaraju Er.P.S.K.Jaya Prakash Er.A.Bhuvanewari Er.N.Kanimozhi	Er.A.Muthu Saravanan Er.S.Anand Baladhandapani Er.S.Krishna Kumari Er.B.Maheswari Er.V.Venkata Krishnan

**Er.P.Vanitha,**  
Secretary, AEA, Coimbatore Branch

**Er.R.Ranganathan**  
Secretary, AOE, Coimbatore Branch

### இராமநாதபுரம் கிளை

பொறியாளர் சங்கம் மற்றும் உதவிப் பொறியாளர் சங்கம், இராமநாதபுரம் கிளையின் கூட்டம் 22.10.2019 அன்று நடைபெற்றது. கூட்டத்தில் எடுக்கப்பட்ட முடிவுகள் மற்றும் தீர்மானங்களின் விபரம்.

#### தீர்மானம்-1

கீழ்க்கண்ட உறுப்பினர்கள் கிளைச் சங்க பொறுப்பாளர்களாக ஒருமனதாக தேர்வு செய்யப்பட்டனர்.

		பொறியாளர் சங்கம்	உதவிப் பொறியாளர் சங்கம்
1	தலைவர்	பொறி.S.வெங்கடகிருஷ்ணன்	பொறி.P.சீனிவாசன்
2	உப தலைவர்கள்	பொறி.T.ஆறுமுகச்சாமி	பொறி.சின்னமுத்துராமர்
		பொறி.இலக்குவழிபதி	பொறி.S.சீனிவாசன்
3	செயலாளர்	பொறி.T.குருதிவேல்மாறன்	பொறி.S.பாண்டியராஜன்

4	துணைச் செயலாளர்கள்	பொறி.ஜெயதுரை	பொறி.S.S.V.முத்தமிழ் அரசன்
		பொறி.கார்த்திகேயன்	பொறி.கண்ணன்
5	பொருளாளர்	பொறி.A.ராஜ்குமார்	
6	பொறியாளர் நலநிதி இணைச் செயலாளர்	பொறி.S.முஜிபூர் ரஹ்மான்	

### செயற்குழு உறுப்பினர்கள்

1.	பொறி.சுரேஷ்குமார்	7.	பொறி.வினோதன்
2.	பொறி.மகேந்திர பாண்டியன்	8.	பொறி.பிரபா
3.	பொறி.லதா	9.	பொறி.முருகன்
4.	பொறி.ராணி	10.	பொறி.கார்த்திக்
5.	பொறி.இராமலெட்சுமி	11.	பொறி.நிதின்
6.	பொறி.காயத்ரி	12.	பொறி.சத்தியபாமா

### தீர்மானம்-2

புதியதாக தேர்ந்தெடுக்கப்பட்ட பொறியாளர் மற்றும் உதவிப் பொறியாளர் சங்க நிர்வாகிகளுக்கு கிளைச் சங்கம் சார்பில் வாழ்த்துக்கள் தெரிவித்துக் கொள்ளப்படுகிறது.

### தீர்மானம்-3

2007-ஆம் ஆண்டு உதவிப் பொறியாளர்கள் மற்றும் உதவிச் செயற்பொறியாளர்களின் (1998-ஆம் உதவிப் பொறியாளர்) பதவி உயர்வு பொறியாளர்களின் நலன் பாதிக்காத வண்ணம் இருக்க வேண்டும் எனவும், தலைமைச் சங்கம் எடுக்கும் முடிவுகளுக்கு கிளைச் சங்கம் முழு ஒத்துழைப்பு நல்கும்.

### தீர்மானம்-4

பெயற்பொறியாளர் (கட்டடம்) பதவியிலிருந்து கண்காணிப்பு பொறியாளராக பதவி உயர்வு பெற்றுள்ள பொறி.A.தினகரன் அவர்களுக்கு கிளைச் சங்கம் சார்பில் பாராட்டுதல்களையும், வாழ்த்துக்களையும் தெரிவித்துக்கொள்ளப்படுகிறது.

### தீர்மானம்-5

உதவிப் பொறியாளர்களின் வருடாந்திர கழுக்க அறிக்கை (Confidential Report) சம்மந்தமான கடித விபரங்களை பணிப்பதிவேட்டில் குறிப்பிட வேண்டும். அதற்கான நடவடிக்கையை தலைமைச் சங்கம் மூலம் செயல்படுத்த வேண்டும் என கேட்டுக்கொள்ளப்படுகிறது.

### தீர்மானம்-6

2009-ஆம் ஆண்டு உதவிப் பொறியாளர்களின் தேர்வு நிலை (Selection Grade) பணிகளை விரைந்து முடித்துத் தர தலைமைச் சங்கத்தினை கிளைச் சங்கம் கேட்டுக்கொள்கிறது.

### தீர்மானம்-7

உபகோட்ட அளவில் Total Station எனும் சர்வே செய்யும் கருவி மற்றும் Drone (Aerial Survey) எனும் கருவி ஆகியவற்றை அளித்து, அதற்கான பயிற்சியை உதவிப் பொறியாளர்களுக்கு வழங்கிட வேண்டும் எனக் கேட்டுக்கொள்ளப்படுகிறது.

### தீர்மானம்-8

உதவிப் பொறியாளர்களின் பணி மாறுதல்களுக்கு - ஆசிரியர்களுக்கு வழங்கப்படுவது போல பணி நிரவல் மூலம் (Counseling for Transfer) பணி மாறுதல் வழங்கப்பட வேண்டும் என கேட்டுக்கொள்ளப்படுகிறது.

### தீர்மானம்-9

பிரிவு அலுவலகங்களுக்கு வலைதள வசதியுடன் கூடிய மடிக்கணினி மற்றும் இணைய தரவு கருவி (Data Card) வழங்கிட வேண்டும் என கேட்டுக்கொள்ளப்படுகிறது.

### தீர்மானம்-10

உபகோட்ட அளவில் பழுதடைந்துள்ள மற்றும் செயல்படாமல் உள்ள ஈப்புகளுக்கு பதிலாக புதிய ஈப்புகள் (Jeep) வழங்கப்பட வேண்டும் என கேட்டுக்கொள்ளப்படுகிறது.

### தீர்மானம்-11

உதவிச் செயற்பொறியாளர் காலிப்பணியிடங்களை, மருத்துவதுறை மற்றும் வேளாண்மைத்துறை ஆகிய துறைகளில் பின்பற்றப்படுவது போல, தற்போது பணியில் உள்ள மூத்த உதவிப் பொறியாளர்களுக்கு கூடுதல் பொறுப்பாக வழங்கி தற்போது உள்ள தேக்க நிலையை சீர் செய்ய நடவடிக்கை எடுக்குமாறு கேட்டுக்கொள்ளப்படுகிறது.

நன்றி நவிலலுடன் கிளைச் சங்கக் கூட்டம் இனிதே நிறைவு பெற்றது.

பொறி.S.பாண்டியராஜன்  
செயலாளர், உதவிப் பொறியாளர் சங்கம்  
இராமநாதபுரம் கிளை

பொறி.T.குருதிவேல்மாறன்  
செயலாளர், பொறியாளர் சங்கம்  
இராமநாதபுரம் கிளை

### காரைக்குடி கிளை

Post	Association of Engineers	Assistant Engineers Association
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President	Er.M.Sankaralingam	Er.S.Thiyagarajan
Vice President	Er.S.Paulpandian	Er.M.Kanan Er.S.Noorulla
Secretary	Er.C.Malarvizhi	Er.J.Muthuramalingam
Joint Secretary	Er.S.Ramesh	Er.S.Anandamariavalan Er.M.Amuthasurabi
Treasurer	Er.C.Balamurugan	

<b>Joint Secretary / ENGIBEF</b>	<b>Er.S.Senthil Kumar</b>	
<b>EC Members</b>	<b>Er.Selvarajan</b> <b>Er.J.Seenivasagan</b> <b>Er.P.Alaguraja</b> <b>Er.S.Arunya</b>	<b>Er.S.Ramanan</b> <b>Er.R.Kumaran</b> <b>Er.K.Prabhu</b> <b>Er.Sivaraja</b> <b>Er.Thirumaran</b> <b>Er.K.Prakash</b> <b>Er.V.Baskar</b> <b>Er.S.Kannan</b>

**Er.J.Muthuramalingam,**  
Secretary, AEA, Karaikudi Branch

**Er.C.Malarvizhi**  
Secretary, AOE, Karaikudi Branch

### தஞ்சாவூர் கிளை

<b>Post</b>	<b>Association of Engineers</b>	<b>Assistant Engineers Association</b>
<b>President</b>	<b>Er.S.Anbarasan</b>	<b>Er.K.Manoharan</b>
<b>Vice President</b>	<b>Er.R.A.Murugesan</b> <b>Er.V.Asaithambi</b>	<b>Er.M.Ragu</b> <b>Er.S.Radha</b>
<b>Secretary</b>	<b>Er.N.Ananthan</b>	<b>Er.M.Sathish Kumar</b>
<b>Joint Secretary</b>	<b>Er.R.Balasubramaniyan</b>	<b>Er.S.Yogeeswaran</b>
	<b>Er.S.Karpagavalli</b>	<b>Er.A.Anbudasan</b>
<b>Treasurer</b>	<b>Er.S.Matheswaran</b>	
<b>Joint Secretary / ENGIBEF</b>	<b>Er.S.Surendramohan</b>	

**Er.M.Sathish Kumar,**  
Secretary, AEA, Thanjavur Branch

**Er.N.Ananthan,**  
Secretary, AOE, Thanjavur Branch

### மதுரை கிளை

<b>Post</b>	<b>Association of Engineers</b>	<b>Assistant Engineers Association</b>
<b>President</b>	<b>Er.S.Ilango</b>	<b>Er.M.Mayakrishnan</b>
<b>Vice President</b>	<b>Er.R.Thangaraj</b>	<b>Er.M.Ramachandran</b>
<b>Secretary</b>	<b>Er.S.Manikandan</b>	<b>Er.K.Poovendiran</b>
<b>Joint Secretary</b>	<b>Er.R.Seenivasan</b>	<b>Er.K.Govindaraju</b>
<b>Treasurer</b>	<b>Er.M.Velmurugan</b>	

**Er.K.Poovendiran,**  
Secretary, AEA, Madurai Branch

**Er.S.Manikandan,**  
Secretary, AOE, Madurai Branch

## **கன்னியாகுமரி கிளை**

பொறியாளர் சங்கம் மற்றும் உதவிப் பொறியாளர் சங்கம், பொபது, கன்னியாகுமரி கிளையின் பொதுக்குழு கூட்டம் 08.11.2019 அன்று மாலை 6.00 மணிக்கு குமரி பொறியாளர் இல்லம், கூட்ட அரங்கம், நாகர்கோவிலில் நடைபெற்றது.

### **இக்கூட்டத்தில் கீழ்க்காணும் தீர்மானங்கள் நிறைவேற்றப்பட்டது:**

1. உதவிப் பொறியாளர் நியமனத்திற்கு காலிப்பணியிடங்களை உயர்த்தி, 413 உதவிப் பொறியாளர்களை TNPSC மூலம் தேர்வு செய்வதற்கு நடவடிக்கை மேற்கொண்ட தலைமைச் சங்கத்திற்கு தனது பாராட்டுதலை கன்னியாகுமரி கிளைச் சங்கம் தெரிவித்துக்கொள்கிறது.
2. உதவிச் செயற்பொறியாளர் பதவி உயர்வுக்கு தற்போது உள்ள நீதிமன்ற தீர்ப்புகளுக்கு உட்பட்டு பதவி உயர்வு பெற்றிட விரைந்து நடவடிக்கை மேற்கொள்ள தலைமைச் சங்கத்திடம் கேட்டுக்கொள்ளப்படுகிறது.  
மேலும், நீதிமன்றத்தில் பதவி உயர்வு சம்பந்தமாக உள்ள அனைத்து வழக்குகளையும் விரைவில் முடித்திட நடவடிக்கை மேற்கொள்ள தலைமைச் சங்கத்தை கேட்டுக்கொள்ளப்படுகிறது. உதவிச் செயற்பொறியாளர் பதவி உயர்வுக்குத் தலைமைச் சங்கம் எடுக்கும் அனைத்து முடிவுகளுக்கும் கன்னியாகுமரி கிளைச் சங்கம் தனது ஆதரவை தெரிவித்துக்கொள்கிறது.
3. 2019 - 2020ஆம் ஆண்டிற்கான உதவிச் செயற்பொறியாளர் காலிப்பணியிடங்களை மதிப்பீடு செய்து, அரசாங்கத்திடம் உரிய அனுமதி பெற நடவடிக்கை மேற்கொள்ள தலைமைச் சங்கத்தை கேட்டுக்கொள்ளப்படுகிறது.
4. செயற்பொறியாளர் பதவி உயர்வை பெற்றிட விரைந்து நடவடிக்கை மேற்கொள்ள தலைமைச் சங்கத்தைக் கேட்டுக்கொள்ளப்படுகிறது.
5. உச்சநீதிமன்றத்தில் ஊதியம் சம்பந்தமாக உள்ள வழக்கினை விரைந்து முடித்து சாதகமான தீர்ப்பைப் பெற்றிட கன்னியாகுமரி கிளைச் சங்கம் தனது ஆதரவை தெரிவித்துக்கொள்கிறது.

இக்கூட்டத்தில் 2019-2020ஆம் ஆண்டிற்கான கீழ்க்காணும் கன்னியாகுமரி கிளைச் சங்க பொறுப்பாளர்கள் ஒருமனதாக தேர்ந்தெடுக்கப்பட்டார்கள்.

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Vice President	Er.T.Kingsly Er.B.Arulson Bright	Er.K.S.Rajesh Babu Er.A.Sahaya Selvam
Secretary	Er.A.Vasanthi	Er.A.Jister Kingsly
Joint Secretary	Er.G.Rajesh	Er.B.Melki Satheak
	Er.N.Jasmin Rejula	Er.S.V.Subash
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Resident Engineer	Er.M.Christo Joseph Antony	

<b>Executive Committee Members</b>	<b>Er.Iyappa Raja Er.T.Kathiravan Er.S.Gnana Remila Er.J.Sujatha Er.R.Daiana</b>	<b>Er.N.S.Sunitha Er.Vaishnavi Er.H.S.Sophia Er.A.N.Asha Er.Satheesh</b>
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**பொறி.அ.ஜிஸ்டர் கிங்க்ஸ்லி**  
செயலாளர், உதவிப் பொறியாளர் சங்கம்  
கன்னியாகுமரி கிளை

**பொறி.அ.வசந்தி**  
செயலாளர், பொறியாளர் சங்கம்  
கன்னியாகுமரி கிளை

### சேலம் கிளை

Post	Association of Engineers	Assistant Engineers Association
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<b>Secretary</b>	<b>Er.A.Parthiban</b>	<b>Er. M.Alagesan</b>
<b>Joint Secretary</b>	<b>Er.M.Janaki</b>	<b>Er.K.Prasath</b>
	<b>Er.A.Murugesan</b>	<b>Er.A.Ganesan</b>
	<b>Er.G.Azam Basha</b>	<b>Er.S.Prabu</b>
<b>Treasurer</b>	<b>Er.P.Sumathivalli</b>	
<b>Executive Committee Members</b>	<b>Er.P.Mahavishnu Er.P.Raja Er.R.Venkatachalam Er.P.Shiyamala Devi Er.K.C.Anandaraj Umapathy</b>	<b>Er.K.Srinivasan Er.R.Sathiya Praba Er.A.Yuvaraja Er.S.Divya Er.R.Karthik</b>

**Er.M.Alagesan,**  
Secretary, AEA, Salem Branch

**Er.A.Parthiban,**  
Secretary, AOE, Salem Branch

### புதுக்கோட்டை கிளை

Post	Association of Engineers	Assistant Engineers Association
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<b>Vice President</b>	<b>Er.N.Govendan</b>	<b>Er.P.Jayapushpa</b>
<b>Secretary</b>	<b>Er.R.Senthilkumar</b>	<b>Er.G.Umashankar</b>
<b>Joint Secretary</b>	<b>Er.N.Pandi Maharaja</b>	<b>Er.Mohan</b>
<b>Treasurer</b>	<b>Er.S.Sadiq Ibrahim</b>	

**Er.G.Umashankar,**  
Secretary, AEA, Pudukkottai Branch

**Er.R.Senthilkumar,**  
Secretary, AOE, Pudukkottai Branch



**திருச்சி கிளை**

Post	Association of Engineers	Assistant Engineers Association
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Vice President	Er.R.Baskar Er.S.Sivakumar	Er.P.Chinthanaiselvi Er.R.Sridhar
Secretary	Er.S.J.Sivakumar	Er.R.Varadharajan
Joint Secretary	Er.V.Velmurugan	Er.C.Senthilkumar
	Er.N.Ramesh	Er.M.Padmadevi
Treasurer & Resident Engineer	Er.VTS. Chandraprasath	
Joint Secretary / ENGIBEF	Er.R.Anbazhagan	
Executive Committee Members	Er.G.Rameshkumar Er.A.Nithyanandhan Er.N.S.Ravichandran Er.K.Chandrakala Er.R.Geetha Er.P.Camilus Er.M.C.Murugesan Er.M.Akilandeswari Er.P.Shanthi Er.C.Geethalatha	Er.N.Almas Begum Er.P.Balamurugan Er.R.Radhakrishnan Er.S.Kulanthaivel Er.G.Mala Er.P.Raja Er.V.Karthik Er.K.Venkatesh Er.S.C.Satheesh Er.K.Durga

**Er.R.Varadharajan,**  
Secretary, AEA, Trichy Branch

**Er.S.J.Sivakumar,**  
Secretary, AOE, Trichy Branch

**விருதுநகர் கிளை**

Post	Association of Engineers	Assistant Engineers Association
President	Er.A.Ganesan	Er.K.Muthusamy
Vice President	Er.T.Malarvizhi Er.C.Ayyasamy	Er.C.Subramani Er.Chandramohan
Secretary	Er.S.Raja	Er.M.Rathinavel
Joint Secretary	Er.Bharathidasan	Er.V.Balamurugan
	Er.Maheshwari	Er.Mokkamayan
Treasurer	Er.M.Jeyakumar	

**Er.M.Rathinavel,**  
Secretary, AEA, Virudhunagar Branch

**Er.S.Raja,**  
Secretary, AOE, Virudhunagar Branch

**SPECIAL LEGAL FUND FOR PAY CASE**

**Chennai Branch**

<b>Sl.No</b>	<b>Name &amp; Designation</b>	<b>Rs.</b>
1	<b>Er.K.Arun Kumar</b> , AE, PWD, WRD, TNIAMP, MDPU, Chennai	5,000
2	<b>Er.V.T.Neelmudiyon</b> , AEE, PWD, Buildgs(C&M) Sub Dn. MW, Villupuram	5,000
3	<b>Er.R.Jhancy Rani</b> , AE, PWD, SPMU, DRIP, Palar House, Chennai	5,000

**Virudhunagar Branch**

<b>Sl.No</b>	<b>Name &amp; Designation</b>	<b>Rs.</b>
1	<b>Er.Rajakavitha</b> , AE, PWD, M&M Sec. IV, Virudhunagar	5,000
2	<b>Er.Mahalakshmi</b> , AE, PWD, M&M Sec. III, Virudhunagar	5,000
3	<b>Er.Chandrabose</b> , AE, PWD, C&M Sec. Srivilliputhur	5,000
4	<b>Er.Chandran</b> , AE, PWD, GW, Sec. II, Virudhunagar	5,000
5	<b>Er.Kanmani</b> , AE, M&M Sub Dn. Madurai	5,000
6	<b>Er.V.Subabhuvaneswari</b> , AE, PWD, M&M Dn. Madurai	5,000
7	<b>Er.M.Deepak Selvakumar</b> , AE, Upper Vaippar Basin Sub Dn. Vasudevanallur	5,000
8	<b>Er.M.Jeyakumar</b> , AE, PWD, M&M Sec II, Virudhunagar	5,000
9	<b>Er.Radhakrishnan</b> , AE, PWD, Gundar Basin Sec. II, Kariapatti	5,000

**Thanjavur Branch**

<b>Sl.No</b>	<b>Name &amp; Designation</b>	<b>Rs.</b>
1	<b>Er.R.Lakshmi Priya</b> , AE, PWD, Thanjavur	5,000
2	<b>Er.N.Ramapraba</b> , AE, PWD, Thanjavur	5,000
3	<b>Er.Gunasekara</b> , AE, PWD, Poraiyar, Thanjavur	5,000

**Pollachi Branch**

<b>Sl.No</b>	<b>Name &amp; Designation</b>	<b>Rs.</b>
1	<b>Er.N.Babu Sabareeswaran</b> , AE, PWD, Pollachi	5,000
2	<b>Er.Gnanavel</b> , AE, PWD, Pollachi	5,000
3	<b>Er.A.M.Gokula Santhana Krishnan</b> , AE, PWD, Pollachi	5,000
4	<b>Er.K.Baskaran</b> , AE, PWD, Pollachi	5,000
5	<b>Er.M.Yazhini</b> , AE, PWD, Pollachi	5,000

**நன்றி!**

சங்கத்தின் வழக்கு நிதிக்கு பெருமளவில் நிதி வழங்கிவரும் உறுப்பினர்களுக்கும், தொடர்ந்து முயற்சிகள் மேற்கொண்டு நிதி திரட்டி வரும் கிளைச் சங்கப் பொறுப்பாளர்களுக்கும் நன்றியினையும் பாராட்டுகளையும் தெரிவித்துக் கொள்கிறோம்.

மின்னணு பணப் பரிவர்த்தனை மூலம் பணம் செலுத்திய பொறியாளர்களுக்கு விபரம் கிடைக்கப்பெற்ற உடன் (Transaction ID) உரிய ரசீது கிளைச் சங்கப் பொறுப்பாளர்கள் மூலம் அனுப்பிவைக்கப்படும். பெயர் விடுபட்டவர்கள் தலைமைச் சங்கத்தைத் தொடர்புகொண்டு விவரம் தெரிவிக்கும்படி கேட்டுக்கொள்கிறோம்.

- ஆசிரியர்

## சங்கத்தின் கோரிக்கைக் கடிதங்கள்

Letter to the Principal Secretary to Government, Public Works Department, Secretariat, Chennai – 600 009. on TNPWD – Promotion Panel for Assistant Executive Engineer - Issue – G.O.Ms.No.155 – Suggestion for panel process – Reg. vide **Letter No.002/GS-AOE/137-2019, Dt.16.10.2019**

- Ref. :**
1. G.O.Ms.No.155, PWD, dt.13.08.2015
  2. G.O.Ms.No.22, P&AR Dept. dt.22.02.2014
  3. Service rules of TNES, TNESS and TNSSS
  4. Hon'ble Supreme Court Judgment in CA 995/2009, dt.14.09.2017 CA10660/2013, dt.27.11.2013
  5. Hon'ble High Court of Madras Judgment in WP21344/2007 and WP11148/2007, dt.23.12.2014

Sir,

It is being stated that the promotional panel for Assistant Executive Engineer is not yet succeed due to various cases pending before the court and all are filed by our Association. But the actual reason is not so. In this regard we wish to bring the following facts connected with this issue to your knowledge for getting conclusion and decision.

1. The draft seniority list published by Engineer-in-Chief, dt.18.01.2017 where the personnel covered in G.O.Ms.No.155 were placed in Assistant Engineer by transfer category and the seniority for them was assigned above the Assistant Engineers recruited directly through TNPSC for the year 2007.
2. This becomes the core of the issue.

**3. Reasons for issue are:**

- a. Previously their regularization proposal was rejected by the Government vide Lt.No.21742/B2/2013-2, dt.11.12.2013.
- b. Later G.O.Ms.No.155 was issued by using vested power of Governor based on rule 48 of TNSSS (rule 58 of TNSSS act 2016) to regularize the 76 numbers of TAs who directly appointed as Assistant Engineer.

❖ This rule provision is specifically given for appointment not for Regularisation.

Power to deal with certain cases.	58. Notwithstanding anything contained in this Act or in the special rules, the Governor shall have power to deal with the case of any person or class of persons serving in a civil capacity under the Government or of any person who has or of any class of persons who have served as aforesaid or any candidate or class of candidates for appointment to a service in such manner as may appear to him to be just and equitable:  Provided that, where any provision of this Act or the special rules is applicable to the case of any person or class of persons, the case shall not be dealt with in any manner less favourable to him or them than that provided by that rule.
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- ❖ The regularization was given the retrospective effect from 2006 which is not permissible as per law.
- ❖ The G.O. is subjected to outcome of Hon'ble Supreme Court in CA995/2009.

- ❖ But in Judgment it is confirmed that the non-feeder categories like TA cannot be appointed as Assistant Engineer as per rule TNES (Rule 2a(5))
- c. Earlier, out of 76 numbers 15 were promoted as Assistant Executive Engineer through the quota earmarked for JE 25% (Re-designated AE) But now the remaining persons are claiming to become Assistant Executive Engineer through 75% quota which is specifically earmarked for AEs. (Violation of Hon'ble Supreme Court order in CA 10660/2013)
- d. As per Hon'ble Supreme Court Order in CA 10660/2013 the Junior Engineer / Assistant Engineer re-designated / Assistant Engineer by transfer who appointed without adopting any selection process are eligible to get promotion as Assistant Executive Engineer through 25% earmarked for Subordinate Service.
- e. After the Judgment in CA 10660/2013, the regularization of Assistant Engineer by re-designated / by transfer is given from date of issue of order. But, regularization for this 76 numbers is given retrospective effect from their date of appointment. i.e. 2006 (This also violation of Court Order, Government Order G.O.Ms.No.22, P&AR Dept. dt.22.04.2014)

**Provision in G.O.Ms.No.22, P&AR Dept. dt.22.04.2014 with effect from 18.10.1993 – Schedule VII – Part A – II (4)**

(4) Whenever a temporary post is newly created and 'ad-hoc' rules are not framed for the post, appointment to such post shall be made on 'ad-hoc' basis. In case of posts governed by rules, promotion or appointment shall not be made with reference to the proposed amendment to rules but shall be made only with reference to the existing rules. No promotion or appointment shall be made on the basis of the executive orders seeking to modify the rules. While selecting candidates for appointment or promotion, the claim of contesting candidate shall be weighed with reference to the rules in force and not with reference to executive orders or contemplated changes in rules.

- f. In their initial appointment order itself (Engineer-in-Chief (B) & CE (G), PWD proceeding No.S2(2)/29148/2004, dt.18.10.2007) it is clearly stated that they are appointed as Assistant Engineer by transfer directly from TA which is subjected to outcome of court cases WP 21344/2007 and SLP 2495/2007 (CA 995/2009) and with the following conditions.
  - ❖ If the petitioner succeed in the above WP 21344/2007 this 76 numbers have to go back to their previous post as JE.
  - ❖ It is specifically noted in their appointment order that, **“their initial appointment of TA to JE order was cancelled”**.
- g. The above said points (a - f) are the nucleus of this issue.**
- 4. Because of the inclusion of 76 numbers in Assistant Engineer by transfer category in the seniority list circulated by Engineer-in-Chief (B) & CE (G), PWD at 18.01.2017 was challenged before court in WP 3617/2017. Due to Court / Judicial procedure it is getting delayed by two years.
- 5. As per service rule (TNES-7d) the appointing authority Engineer-in-Chief (B) & CE (G), PWD can't declare the probation and regularization order with relaxing the rule provisions. Hence, regularization order issued for these 76 numbers has to be reconsidered.

**TNES-7d** (d) The Chief Engineer, Public Works department (General) shall be competent to declare the satisfactory completion of probation of a probationer in the post of Assistant Executive Engineer or Assistant Engineer where no relaxation of rule is involved. He shall also be competent to extend the period of probation upto one year of an Assistant Executive Engineer in case of failure to pass the prescribed tests.

6. If their appointment is not subjected to rule, but based on G.O.Ms.No.155, using vested powers of Governor means, their date of regularization also must be on from date of issue of order. i.e. 13.08.2015.
7. Hence we request the secretary to kindly consider the regularization issued retrospectively for the 76 numbers who appointed as Assistant Engineer from TA subjected to court case and do the Justice.

We humbly state that the Re-consideration on the issue of regularization will give the best solution and way to get the Judgment at the earliest on the court cases. Thereby all the hurdles will be cleared and promotion panel for Assistant Executive Engineer shall be succeeded.

With kind Regards,

Yours truly,

**Er.M.Dhanasekaran,**  
General Secretary, AEA

### RETIREMENT ON 31.10.2019

1	பொறி.R.கோமகன்	உதவிச் செயற்பொறியாளர்
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அரசாணை (வாலாயம்) எண்.544, பொதுப்பணித்(எப்1)துறை, நாள் : 31.10.2019

**We wish them a happy, peaceful & active retired life - Editor**

#### இரங்கல்:

திரு.P.அப்பாசாமி, வயது 73 (பொறி.அ.காயத்திரி, உதவிப் பொறியாளர், பொபது, பணிமனைப் பிரிவு, ஆழியார் நகர் அவர்களின் தந்தை மற்றும் பொறி.D.ராஜன், உதவிப் பொறியாளர், பொபது, முகாம் பிரிவு, பொள்ளாச்சி அவர்களின் மாமனார்) அவர்கள் 10.10.2019 அன்று கூடலூரில் காலமானார் என்பதை மிகுந்த வருத்தத்துடன் தெரிவித்துக்கொள்கிறோம். அன்னாரை இழந்து வருந்தும் குடும்பத்தாருக்கு நம்முடைய ஆழ்ந்த இரங்கலைத் தெரிவித்துக்கொள்கிறோம்.

- ஆசிரியர்

சென்னைக்கு வரும் பொறியாளர் உறுப்பினர்கள் அனைவரும் புதுப்பிக்கப்பட்ட பொறியாளர் இராமலிங்கம் இல்லத்தை பயன்படுத்திக்கொள்ளுமாறு கேட்டுக்கொள்ளப்படுகிறது. தங்களுக்கு தேவையான அனைத்து வசதிகளும் WiFi உட்பட செய்யப்பட்டுள்ளது.

- இல்லப் பொறியாளர், சென்னை

## GOVERNMENT ORDERS



### **ABSTRACT**

Establishment – Water Resources Department – Change of Headquarters of Sarabanga Basin Division from Namakkal to Salem – Orders - Issued

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### **Public Works (F1) Department**

G.O.(D)No.315

Dated:25.10.2019

Read:

From the Engineer-in-Chief, WRD and Chief Engineer (General), PWD, Chennai Lr.No.AEE/AE-3/Sarabanga Sub Basin/2019, Dated 14.08.2019

#### **ORDER:**

In the letter read above, the Engineer-in-Chief, WRD and Chief Engineer (General), Public Works Department, Chennai has stated that the Sarabanga Basin Division, Namakkal is under the control of Upper Cauvery Basin Circle, Water Resources Department, Trichy Region and its office is located in the District Collector's office campus, Namakkal. He has also stated that the following four Sub Divisions are under its control:-

- (i) Sarabanga Basin Sub Division, Salem
- (ii) Sarabanga Basin Sub Division, Attur
- (iii) Sarabanga Basin Sub Division, Namakkal
- (iv) Sarabanga Basin Sub Division, Rasipuram

2. The Engineer-in-Chief, Water Resources Department and Chief Engineer (General), Public Works Department, Chennai has also stated that the following Sub Basin and Reservoirs are located in Salem and Namakkal Districts:-

#### **(1) Thirumanimuthar Sub Basin**

There are 14 Anicuts and 14 lakes having ayacut of 3943.22 ha., in Thirumanimuthar Sub Basin under Sarabanga Basin Division in Salem District.

There are 27 Anicuts and 52 lakes having ayacut of 2893.71 ha., in Thirumanimuthar Sub Basin under Sarabanga Basin Division in Namakkal District.

#### **(2) Sarabanga Sub Division**

There are 11 Anicuts and 17 lakes having ayacut of 3630.00 ha., in Sarabanga River under Sarabanga Basin Division in Salem District.

### **(3) Upper Vellar Sub Division**

There are 75 Anicuts and 35 lakes having ayacut of 5340.42 ha., in Vasishta River under Sarabanga Basin Division in Salem District.

### **(4) Swetha Sub Basin**

There are 33 Anicuts and 16 lakes having ayacut of 2387.76 ha., in Swetha River under Sarabanga Basin Division in Salem District.

### **(5) Karaipottanar Sub Division**

There are 54 Anicuts and 28 lakes having ayacut of 4155.87 ha., in Karaipottanar River under Sarabanga Basin Division in Namakkal District.

### **Anaimaduvu Reservoir**

It is constructed across Anaimaduvu River in Upper Vellar Sub Basin in Salem District. The total capacity of the Anaimaduvu Reservoir is 271.59 M.C.ft., and having total ayacut of 5011.70 Acres.

### **Kariyakoil Reservoir**

It is constructed across Kariyakoil River in Upper Vellar Sub Basin in Salem District. The total capacity of the Kariyakoil Reservoir is 193.88 M.C.ft., and having total ayacut of 3600.00 Acres.

3. The Engineer-in-Chief, Water Resources Department and Chief Engineer (General), Public Works Department, Chennai has further stated that the following schemes are to be taken for execution by Sarabanga Basin Division, Namakkal based on the announcement made by the Honourable Chief Minister of Tamil Nadu of the floor of Tamil Nadu Legislative Assembly under Rule 110 of Tamil Nadu Assembly Rules:-

- 1) Diversion of excess flood water from Mettur Dam to the dry tanks in Mecheri, Nangavalli, Vanavasi, Jalagandapuram, Tharamangalam, Konganapuram. Magundanchavadi and Edappadi Blocks of Salem District through Lift Irrigation Scheme.

### **Estimate Amount of Rs.565.00 Crore**

- 2) Formation of New Tank across Ponni odai in Chokkanur Agraharam Village of Gangavalli Taluk in Salem District.

### **Estimate Amount of Rs.27.00 Crore**

- 3) Diversion of excess flood water from Kaikanavalavu Kattaru to Kariyakoil Reservoir in Therkunadu Village of Pethanaickenpalayam Taluk in Saem District.

### **Estimate Amount of Rs.7.30 Crore**

- 4) Construction of a Check Dam across a odai in Kottaimedu Village of Omalur Taluk in Salem District.

**Estimate Amount of Rs.1.20 Crore**

- 5) Construction of a bridge across Raja Vaikkal at mile 2/3 in Anangoor village of Paramathi Velur Taluk in Namakkal District.

**Estimate Amount of 75.00 Lakhs**

- 6) Rehabilitation and Improvements of Sarabanga River at LS 42.80 Km to LS 43.30Km in Edapaddi Town of Edappadi taluk in Salem District.

**Estimate Amount of Rs.4.50 Crore**

- 7) Rehabilitation and Improvements of Sarabanga River at LS 43.30 Km to LS 43.80Km in Edapaddi Town of Edappadi taluk in Salem District.

**Estimate Amount of Rs.4.50 Crore**

- 8) Construction of a bridge across Mettur West bank canal at LS 11.390 Km in Mettur Taluk of Salem District.

**Estimate Amount of Rs.1.00 Crore**

- 9) Rehabilitation of bridge and head Sluice in Mettur West bank canal at LS 0/0 in Mettur Taluk of Salem District.

**Estimate Amount of Rs.1.00 Crore**

4. Further, the Engineer-in-Chief, Water Resources Department and Chief Engineer (General), Public Works Department, Chennai has stated that the above said works and the maintenance of Kariyakoil and Anaimaduvu Reservoirs are to be carried out in the Salem District alone and therefore he has requested to change the headquarters of Sarabanga Basin Division from Namakkal to Salem. He has also stated that the expenditure for shifting of headquarters will be met out from contingency fund.

5. The Government after careful examination of the proposal of the Engineer-in-Chief, Water Resources Department and Chief Engineer (General), Public Works Department, Chennai decided to accept and to issue orders for the change of headquarters of Sarabanga Basin Division from Namakkal to Salem.

6. This orders issues with the concurrence of Finance Department vide its U.O.No.52073/PW-II/19, dated 24.10.2019.

**(BY ORDER OF THE GOVERNOR)**

**K.MANIVASAN**

**PRINCIPAL SECRETARY TO GOVERNMENT**





Finance (PC-3) Department,  
Fort St. George,  
Chennai – 600 009

**Letter No.27649/PC-3/2019-1, dated: 22.10.2019**

From

Tmt.Pooja Kulkarni, I.A.S.,  
Special Secretary to Government

To

The Principal Secretary /  
Commissioner of Treasuries and Accounts,  
Amma Complex, 3<sup>rd</sup> Floor, Veterinary Hospital campus,  
No.571, Anna Salai, Nandanam,  
Chennai – 600 035

Sir,

Sub: Rectification of Pay Anomalies – Issues of Instruction – Regarding

Ref: G.O.Ms.No.303, Finance (Pay Cell) dept. dt.11.10.2017

I am directed to state that the Government in the reference cited had issued orders for revision of Scales of pay and allowances of State Government Employees and Teachers based on the recommendations of the Official Committee, 2017. Consequent on the implementation of the Tamil Nadu Revised Pay Rules 2017, there are several cases of pay anomalies between the senior and the junior Government employees and for removal of those anomalies, necessary rule provisions have been made in the above G.O. in the reference cited to step up the pay of the senior on par with that of the junior.

2. However, inspite of necessary rule provisions made to rectify the pay anomalies, there are various complaints received from the employees stating that the Pay and Accourts Officers are returning the bills (anomaly rectification) insisting to obtain the concurrence of Finance / P&AR department.

3. I would like to bring to your notice that as per the provisions of the **Fundamental Rule 27(2), Heads of Department themselves are delegated powers to rectify the junior getting more pay anomaly arising from Ruling (2) under FR 22-B.**

4. Hence, I am to request you to issue necessary instructions to the PAOs/ TOs / STOs to desist from returning the bills unnecessarily causing undue hardship to the employees and also to instruct them to act upon / adhere to the aforesaid rule provisions to rectify the anomalies based on the merits and to admit the same without upon concurrence of Finance / P&AR Departments.

Yours faithfully,

for Special Secretary to Government,



**ABSTRACT**

Tamil Nadu Fundamental Rules – Maternity Leave under Fundamental Rule 101 (a) – Extending of Maternity Leave benefits to non-permanent married Women Government Servants appointed in a regular capacity – Sanctioning of Maternity Leave without deducting Earned Leave at their credit – orders – Issued.

**PERSONNEL AND ADMINISTRATIVE REFORMS (FR-III) DEPARTMENT**

**G.O.(Ms.)No.164**

**Dated:25.10.2019**

**Read:**

1. G.O.(Ms)No.105, P&AR (FR-III) Department, dated 07.11.2016.
2. G.O.(Ms)No.154, P&AR (FR-II) Department, dated 05.12.2017.
3. G.O.(Ms)No.149, P&AR (FR-III) Department, dated 31.10.2018.

**ORDER:**

As per instruction 1 under rule 101(a) of the Tamil Nadu Fundamental Rules, “a competent authority may grant maternity leave on full pay to permanent married Women Government servants for a period not exceeding 270 days which may spread over from the pre-confinement rest to post confinement recuperation at the option of the Government servant. The maternity leave shall be admissible to married Women Government servants with less than two surviving children. Non-permanent, married Women Government servants, whether appointed in a regular capacity or under the emergency provisions of the relevant service rules should take for maternity purposes, the earned leave for which they may be eligible. If however, such a Government servant is not eligible for earned leave or if the leave to her credit is less than 270 days, maternity leave may be granted for a period not exceeding 270 days or for the period that falls short of 270 days, as the case may be. Non-permanent married Women Government servants employed under the emergency provisions should have completed one year of continuous service including leave periods, if any, to become eligible for the grant of maternity leave”.

2. Representations have been received from some of the newly appointed Government Servants (i.e.) non-permanent married Women Government Servants appointed in a regular capacity, who joined in the Government service after delivery, for sanction of maternity leave.

3. The Government after careful examination of the above representations have decided to grant maternity leave to Non-Permanent married Women Government servants appointed to Government service in a regular capacity as follows and order accordingly.

(i) To sanction 270 days maternity leave without deducting Earned Leave at their credit for those who are in service on the date of issue of this order.

(ii) To sanction the remaining period of 270 days of maternity leave after deducting the number of days from the date of delivery to the date of joining in Government service (both days inclusive) for those who are joining in the Government service after delivery.

4. However, for the non-permanent (temporary) Government Servants appointed on emergency provisions of the relevant service rules (not in regular capacity), the status quo shall continue.

5. Necessary amendments to the Fundamental Rules will be issued separately.

**(BY ORDER OF THE GOVERNOR)**

**S.SWARNA**

**SECRETARY TO GOVERNMENT**



பொது (பல்வகைத்)த் துறை  
அரசாணை (நிலை) எண். 762, நாள்: 22.10.2019  
2020-ஆம் ஆண்டிற்கான பொது விடுமுறை நாட்கள்

வ.எண்.	பொது விடுமுறை	தேதி	கிழமை
1.	ஆங்கிலப் புத்தாண்டு	01.01.2020	புதன்கிழமை
2.	பொங்கல்	15.01.2020	புதன்கிழமை
3.	திருவள்ளூர் தினம்	16.01.2020	வியாழக்கிழமை
4.	உழவர் திருநாள்	17.01.2020	வெள்ளிக்கிழமை
5.	குடியரசு தினம்	26.01.2020	ஞாயிற்றுக்கிழமை
6.	தெலுங்கு வருடப் பிறப்பு	25.03.2020	புதன்கிழமை
7.	* வங்கிகள் ஆண்டு கணக்கு முடிவு (வணிக/கூட்டுறவு வங்கிகள்)	01.04.2020	புதன்கிழமை
8.	மகாவீர ஜெயந்தி	06.04.2020	திங்கட்கிழமை
9.	புனித வெள்ளி	10.04.2020	வெள்ளிக்கிழமை
10.	தமிழ்ப் புத்தாண்டு மற்றும் டாக்டர் பி.ஆர்.அம்பேத்கர் பிறந்த தினம்	14.04.2020	செவ்வாய்க்கிழமை
11.	மே தினம்	01.05.2020	வெள்ளிக்கிழமை
12.	ரம்ஜான் (Idu'l Fitr)	25.05.2020	திங்கட்கிழமை
13.	பக்ரீத்	01.08.2020	சனிக்கிழமை
14.	கிருஷ்ணஜெயந்தி	11.08.2020	செவ்வாய்க்கிழமை
15.	சுதந்திர தினம்	15.08.2020	சனிக்கிழமை
16.	விநாயகர் சதுர்த்தி	22.08.2020	சனிக்கிழமை
17.	மொகரம்	30.08.2020	ஞாயிற்றுக்கிழமை
18.	காந்தி ஜெயந்தி	02.10.2020	வெள்ளிக்கிழமை
19.	ஆயுத பூஜை	25.10.2020	ஞாயிற்றுக்கிழமை
20.	விஜயதசமி	26.10.2020	திங்கட்கிழமை
21.	மிலாதுன் நபி	30.10.2020	வெள்ளிக்கிழமை
22.	தீபாவளி	14.11.2020	சனிக்கிழமை
23.	கிருஸ்துமஸ்	25.12.2020	வெள்ளிக்கிழமை

\* Applicable only to commercial banks & Co-operative Banks in Tamil Nadu

**Assistant Engineer – Selection Grade – Revised Instructions**

Office of the Engineer-in-Chief, WRD and Chief Engineer (General), Public Works Department, Chepauk, Chennai – 600 005.

Circular No.S2(3)/01-2019/2019, dated 07.11.2019

**Sub:** Establishment – Public Works Department – Tamil Nadu Engineering Service / Tamil Nadu Engineering Subordinate Service – Movement to Selection / Special Grade in respect of Assistant Engineer / Junior Engineer (Civil) & (Electrical) – revised instructions – issued Regarding.

**Ref:** This Office Lr.No.S2(B)6/21926/2018, dt.19.01.2018

In this Office letter cited, necessary instructions regarding the details to be examined and furnished for movement to Selection / Special Grade in respect of Assistant Engineer / Junior Engineer (Civil) & (Electrical) has been issued.

2) In partial modification to the above instructions, the following revised instructions are issued for adherence while furnishing the proposals for movement to Selection / Special Grade in respect of Assistant Engineer / Junior Engineer (Civil) & (Electrical) of Public Work Department.

- i) The reasons for extension of probation period, if any shall be explained along with copies of leave sanction orders while furnishing the proposals for Selection / Special Grade to this office.
- ii) Ruling (3), (4) and (5) under Tamil Nadu Leave Rules 27 shall be taken note of while furnishing the proposals for Selection / Special Grade to this office.
- iii) The Selection / Special Grade proposals need not to be put on hold due to non receipt of Confidential Report of the respective officers and action may be initiated separately for obtaining / expediting the Confidential Reports of the respective officers and such non receipt of Confidential Reports shall not be linked to Selection / Special Grade proposals.
- iv) It is observed in general that some of the Assistant Engineers / Junior Engineers (Civil) & (Electrical) are eligible for movement to Selection / Special Grade during the years 2017 and 2018 itself. However, such proposals have been delayed.
- v) Further, such delayed Selection / Special Grade proposals results in accumulation of a proposals in this office and delayed sanction which can be prevented if the same are furnished to this office in time.

3) Therefore, the Engineer-in-Chief (Buildings) Chennai Region and Chief Engineer (Buildings), Chennai and the Regional / Functional Chief Engineers of W.R.D and B.O. of Public Works Department are requested to ensure that the Selection / Special Grade proposals in respect of Assistant Engineer / Junior Engineer (Civil) & (Electrical) under their control are not delayed deliberately. The Administrative Officers of the Regional Offices shall be instructed to bestow them attention in the subject and to arrange to see that the Selection / Special Grade proposals in respect of Assistant Engineer / Junior Engineer (Civil) & Electrical) are forwarded to this office in a complete shape without any undue delay. The receipt of this circular shall be acknowledged forthwith.

**K.Ramamoorthy,**  
Engineer-in-Chief, WRD &  
Chief Engineer (Gl.), PWD

## An Engineering Commission a must for fraternity, Society

**Shailendra Dubey** (Chairman, All India Power Engineers' Federation)

September 15 is marked as Engineers' Day in India, to commemorate the birthday of Sir M Visvesvaraya (1861-1962). Recognised internationally for his genius in harnessing water resources, he was responsible for the successful design and construction of several dams, bridges and implementing irrigation and drinking water schemes all over India. He served as the diwan of the erstwhile Mysore State and is credited with the all-round development of Karnataka.

Visvesvaraya was so thoroughly a man of action that his memoirs, written at the age of 90, begin only with his entry as Assistant Engineer in Public Works Department of Bombay Government in February, 1884. The memoirs focus only on his working life, containing little personal details. His mind was focussed on nation's progress, as is evident from the several books that he authored.

Every year, on Engineers Day, we talk about Visvesvaraya but we never talk about the degradation of engineering services as compared to administrative services which is creating lot of frustration amongst engineers. India should set up an Engineering Commission to look after the deteriorating condition of engineering services in India.

We should recognise that engineers play an important role in every walk of life. They convert knowledge of basic sciences into products. They are versatile minds who build bridges between science, technology and society. Engineers contribute to the nation's technological and industrial progress. They help improve living conditions of the common man. By virtue of our achievements in multiple fields, India stands poised to emerge as a leading nation in the 21st century. The innovation capability of our scientists and engineers will play a critical role in enabling India achieve this goal.

Engineers are not just glorified technicians in maintenance, repairs and operations. An engineer devises solutions to problems in a clever and creative manner. They are the link between scientific discoveries and the application of these new ideas to the world.

The value of engineering is, therefore, the creation of a better world - a cleaner, safer and more connected world. The administrative reforms commission submitted its report in 1969, which recommended that secretaries of all engineering departments should be engineers but that recommendation is yet to be implemented. The Niti Ayog also talks about professionalism and recognition of specialised services.

There is an urgent need to overhaul the structure of engineering services to induct experts at the decision-making level in the government. It is a matter of regret that despite recommendations of the administrative reforms commission and many other expert committee reports, nothing concrete has been done by either the central government or

the state governments. The most unfortunate part of the deprivation suffered by engineers is in the form of recommendations by the Central Pay Commission one after another. Before embarking on a comprehensive corrective process, the top most priority is a central government-appointed engineering commission. In most engineering departments, the overall decision making right remains with generalists IAS officers

Though engineers are held responsible for satisfactory functioning of the department. It is required to give decision-making key posts in the secretariat to engineers to give the department appropriate direction and speed. Unless immediate corrective steps are taken, it may not be possible to keep pace with technological developments taking place in developed countries.

The engineering commission is required to recommend the status of engineers vis a vis administrative services. The engineering commission, if implemented, may provide an atmosphere in all technical departments which may provide status, power and career value to engineers which they deserve to perform at highest level of their capabilities.

The proposed engineering commission should be a national commission and its recommendations should be a guideline for the central and all state governments as far as streamlining, upgrading and modernising engineering activities in India are concerned. The commission should also recommend the career and status of engineering services in the context of their placement at administrative and decisionmaking level in the government.

The commission should be headed by an eminent engineer of the country with the secretary being a serving engineer and members being taken from reputed engineering departments.

Engineering services in India, particularly in UP, are in a very bad shape. In the 70s, engineers were given due recognition in state services, particularly in power and irrigation departments, when eminent engineers were given charge as principal secretary power and principal secretary irrigation. This professionalism paid rich dividends in that decade. UP became a pioneer in establishing the first 110 MW power plant at Obra, first underground hydel power station at Chhibro, first 400 KV & 765 KV transmission line and substation in India. But unfortunately, bureaucracy prevailed and engineers were replaced by bureaucrats in the secretariat. Before independence, there were three main services namely ICS, Indian Police and Indian Service Of Engineers. After independence, ICS continues in the name of IAS, IPS is also continuing but Indian Service of Engineers has been abandoned which should be formed as early as possible.

If engineers have a major role in nation building, then they should be given due recognition by appointing an engineering commission and implementing its recommendations, otherwise marking Engineers' Day is meaningless.

**Courtesy - Hindustan Times 15.09.2019**

**TAMIL NADU PUBLIC SERVICE COMMISSION**  
**ADDENDUM**

The Commission in its notification No.18/2019, dated 29.05.2019 had invited applications for direct recruitment to the posts of post of **Assistant Engineer (Civil), Water Resources Department, PWD & Assistant Engineer (Civil), Buildings, PWD** included in Combined Engineering Services Examination, against '**120**', '**73**' and '**123**' vacancies respectively, for the years 2018-2019. The Commission has added '**9**' additional vacancies to the post of Assistant Engineer (Civil), Water Resources Department, PWD, & '**2**' additional vacancies to the post of Assistant Engineer (Civil), Buildings, PWD included in Combined Engineering Services Examination as per the request of the appointing authority. Now the Commission has decided to notify **157** additional vacancies to the post of Assistant Engineer (Civil), Water Resources Department, PWD, & '**52**' additional vacancies to the post of Assistant Engineer (Civil), Buildings, PWD included in Combined Engineering Services Examination as per the request of the appointing authority.

**SPECIAL CONTRIBUTION**

Sl.No	Name	Amount	Remarks
1	<b>Er.R.Sornakumar,</b> Executive Engineer, PWD, WRD, Thambirabarani Basin Dn. Tirunelveli	<b>35,000</b>	Contribution towards purchase of A/C in the premises of AOE, Chennai

**We thank for his contribution - Editor**

**GB meeting circular continued...**

**Note:** Those who want **accommodation** are requested to contact the following office bearers of **Cuddalore & Villupuram Branch.**

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### **ANNUAL GENERAL BODY MEETING CIRCULAR OF AOE & AEA**

Dear Engineer,

The **Annual General Body Meeting of Association of Engineers and Assistant Engineers' Association**, TNPWD for the year 2019 is scheduled to be convened on **14.12.2019 (Saturday) at 10.35 a.m. in SRI BALAJI MAHAL (A/C), Villupuram (Opp. New Bus Stand, Villupuram)** as detailed below:

<b>14.12.2019 (Saturday) 10.35 a.m. to 1.30 p.m.</b>	<b>General Body Meeting of Assistant Engineers' Association, TNPWD</b>
<b>14.12.2019 (Saturday) 2.30 p.m. to 6.30 p.m</b>	<b>General Body Meeting of Association of Engineers, TNPWD</b>

#### **I. Subjects for discussion in the General Body Meeting of AEA:**

1. Annual Report.
2. Pay Case in High Court and Supreme Court-Present status and follow up action.
3. PG increment.
4. Recruitment of Assistant Engineers.
5. Selection Grade to 2007 Assistant Engineers.
6. Promotion of 2007 batch TNPSC Assistant Engineers as Assistant Executive Engineers
7. G.O.Ms.No.155/PW(B2) dated 13.8.2015. Case in High Court - Further course of action.
8. Any other subjects raised by the members with permission of the chair.

#### **II. Subjects for discussion in the General Body Meeting of AOE:**

1. Annual Report.
  2. Annual Accounts of our Association, PRI and ENGIBEF.
  3. Seventh Pay Commission - Pay scale cases - present stage.
  4. Promotion Panels.
  5. Court Cases.
  6. Reconstruction of Poriyaalar Ramalingam Illam, Chennai.
  7. Launching of ENGIBEF V<sup>th</sup> Phase
  8. Financial position of our Association and contribution to Legal fund.
  9. Any other subjects raised by the members with the permission of the Chair.
- ❖ All the member Engineers of our Association are requested to make it convenient to attend the above General Body Meeting in large numbers and offer their candid views for the betterment of our member Engineers and the Department.
  - ❖ Member Engineers who desire to move any specific resolution in the General Body Meeting are requested to send the same to the General Secretary, AEA and the General Secretary, AOE separately on or before 04.12.2019.

All the Branch Office bearers of AOE and AEA are requested to take copies of this Circular and circulate the same to all the member Engineers of their respective branches.

**Er.M.Dhanasekaran**  
General Secretary, AEA

**Er.K.Murugan**  
General Secretary, AOE  
(Continued in Page 31)

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