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ITEM NO.8

COURT NO.11

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).20986/2007

(From the judgement and order dated 29/01/2007 in WP No.26990/2005 of The
HIGH COURT OF MADRAS)

TAMILNADU RURAL DEV.ENG.ASSO.

Petitioner(s)

VERSUS

SECRETARY TO GOVT.RURAL DEV.DEPT.& ORS.

Respondent(s)

(With office report)
(For final disposal)

WITH SLP(C) NO. 15918 of 2007
(With prayer for interim relief)
(For final disposal)

SLP(C) NO. 15988 of 2007
(With appln.(s) for permission to file additional documents and deletion of
the name of respondent and with prayer for interim relief and office
report)
(for final disposal)

SLP(C) NO. 16064 of 2007
(With prayer for interim relief and office report)
(For final disposal)

SLP(C) NO. 18310 of 2007
(With prayer for interim relief and office report)
(For final disposal)

SLP(C) NO. 20987 of 2007
(With office report)
(For final disposal)

Date: 29/01/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s)

Mr. P.S. Patwalia, Sr.Adv.

Mr. Vivek Jain, Adv.

Mr. Nishtha Kumar, Adv.

Mr. Vikas Mehta,Adv.

For Respondent(s)

Mr. Subramonium Prasad, AAG, Tamil Nadu
Mr. B. Balaji, Adv.
Mr. Karun Mehta, Adv.

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Mr. Subramonium Prasad, AAG
Mr. M. Yogesh Kanna, Adv.
Mr. A. Santha Kumaran, Adv.

Ms. N. Shoba, Adv.
Mr. Sri Ram J. Thalapathy, Adv.
Mr. V. Adhimoolam, Adv.

Mr. S. Thananjayan, Adv.

UPON hearing counsel the Court made the following
O R D E R

We have heard the submissions of Mr. P.S. Patwalia, learned senior counsel appearing for the petitioners for almost two hours. Mr. Subramonium Prasad, learned AAG for the State of Tamil Nadu has taken us to the relevant Rules. He, however, needs to check up as to whether the experience of five years for appointment on the post of Assistant Engineer is in addition to an Overseer who is absorbed in the Rural Works Department by transfer and also possesses a degree in Engineering. A perusal of the Rules which have been produced by the petitioner indicate that recruitment on the post of Assistant Engineer under the Rules made under G.O.M. No. 15 R.D. dated 25.1.2000 was from two sources - direct recruitment and recruitment by transfer from Overseers as Junior Draft Officers in Tamil Nadu Rural Department possessing a degree in Civil Engineering or a pass in Section A and B (AMIE) conducted by the Institution of Engineers India or service as Overseer or Junior Drafting Officer, as the

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case may be, for a period of not less than five years. The ratio fixed between the two modes of recruitment is 1:1. But the Rules made under the aforesaid G.O. came into force on 26.9.1997, in relation to Assistant Engineers who are Direct Recruits. In the case of the petitioners, the Rules have not been given retrospective effect, from the same date.

In view of the request made by Mr. Prasad, these matters be stood up to Thursday, the 31st January, 2013 as part heard.

(Sukhbir Paul Kaur)
Court Master

(A.S. Bisht)
Court Master

