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பொறியாளர்

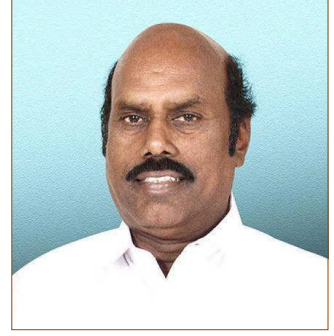
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Volume – 15

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Issue - 07

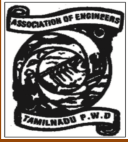
ஏப்ரல் 2024
April 2024

மாண்புமிகு தமிழக முதல்வர் அவர்களுக்கு வேண்டுகோள் !!



“ஏழாவது ஊதியக் குழுவின் ஊதிய பலன்களை பொதுப்பணித்துறை, நீர்வளத்துறை மற்றும் இதர துறைகளில் பணிபுரியும் பட்டதாரிப் பொறியாளர்களுக்கு மறுத்த அரசாணை எண்.399-யை சென்னை உயர்நீதிமன்றம் ரத்து செய்துள்ள நிலையில், ஒரு நபர் குழு மூலம் பெற்று வரும் ஊதிய விகிதத்தின் அடிப்படையில் தமிழக அரசு ஏழாவது ஊதியக் குழுவின் பலன்களை அனைத்துப் பட்டதாரிப் பொறியாளர்களும் பெறும் பொருட்டு மாண்புமிகு நீதியரசர் அவர்கள் தலைமையில் ஒரு நபர் குழு அமைத்து உத்தரவிடுமாறு கனிவுடன் கோருகிறோம்.”

- பொறியாளர் சங்கம் மற்றும் உதவிப் பொறியாளர் சங்கம், தமிழ்நாடு பொதுப்பணித்துறை மற்றும் நீர்வளத்துறை



பொறியாளர் சங்கம் மற்றும் உதவிப் பொறியாளர் சங்கம்

தமிழ்நாடு பொதுப்பணித்துறை
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Email : gsaoe.pwd@gmail.com

Tel : 044-2851 5445 / 2951 0445

Association of Engineers &

(Recognised in G.O. No. 1701 Dated 20th October 1936)

Er. S. Gopalakrishnan, B.E.,
President (9790634054)

Er. M. Dhanasekaran, M.E.,
General Secretary, (9159590071)

Assistant Engineers' Association, TNPWD, CHEPPAKKAM, CHENNAI - 600 005

(Recognised in Govt. Public (Service K) Dept. Memo. No. 773 / 75-2 Dt. 6-12-1975)

Er. S. Srinivasan, B.E.,
President (9445112713)

Er. M. Mathan, M.E.,
General Secretary (9443631604)

Date : 08.04.2024

Dear Engineer,

We are glad to inform that we have received a **positive and good order from Hon'ble Judge of Madras High Court Justice Thiru.Anand Venkatesh**, who have teared into all the arguments and biased orders issued by the Government after the orders of One Man Commission enhancing our Pay Scales (By the Government of Dr.Kalaighnar, former Chief Minister of Tamil Nadu).

We apprehend that vested interest in the Government may try to stall this order by appealing in the bench of High Court and even in Supreme Court. We are also trying the convince the Government Finance Department not to file appeal in this regard and appoint the Court appointed Judicial Committee to finalise our Pay Scale demand as per this order.

We are very much thankful to the members for their spontaneous support in giving legal fund to our Association and also request individual members and branches to proactively contribute for this just cause.

For Online transactions

A/c Name : AOE TNPWD's Legal Fund

A/c No.30096767382

IFSC Code : SBIN0006489

State Bank of India,

PWD Complex, Chepauk Branch, Chennai-5

Contact Person: **Er.D.Sivakumar**, Treasurer, AOE & AEA

Cell : 9566731113

With kind regards,

Yours truly,

Er.M.Mathan,
General Secretary, AEA

Er.M.Dhanasekaran,
General Secretary, AOE

To

**All the Branch Office Bearers of AOE & AEA, TNPWD & WRD
All PEC members of AOE & AEA
The President, AOE for information**

19.04.2024

பொதுச் செயலாளர் மடல்

பெருமதிப்பிற்குரியீர், பேரன்பிற்கினியீர், வணக்கம்.

- ✍ நமது பொறியாளர்கள் ஆவலுடன் எதிர்பார்த்த ஊதிய விகிதம் தொடர்பான வழக்கில் சென்னை உயர்நீதிமன்ற தனிநீதிபதி உத்தரவு வெளியாகியுள்ளது. 2010-க்குப் பின்னர் நமக்கு தொடர்ந்து இழைக்கப்பட்ட அநீதிகளைக் களையும் விதமாக இந்த உத்தரவு வழங்கப்பட்டுள்ளது. இந்த உத்தரவினை அரசு நிதித்துறையின் மேல்முறையீடு ஏதும் இல்லாமல் உடனடியாக செயல்படுத்திட நமது சங்கங்களின் சார்பாக தொடர் நடவடிக்கைகள் மேற்கொள்ளப்பட்டு வருகின்றது. இந்த உத்தரவுக்கு பின்னர், நமது பொறியாளர் உறுப்பினர்கள் எழுச்சியுடன் வழக்கு நிதி வழங்கி வருகின்றனர். மேலும், காலதாமதம் செய்யாமல் நமது பொறியாளர்களுக்கு ஏழாவது ஊதியக் குழுவின் பணப் பலன்களை விரைந்து வழங்கிட அரசினை வலியுறுத்தி வேண்டுகிறோம்.
- ✍ தொழில்நுட்ப உதவியாளரிலிருந்து உதவி பொறியாளர் (சிவில்)ஆக நேரிடையாக (அரசாணை எண்.1)-ன் படி நியமனம் செய்யப்பட்டவர்களுக்கு பதவி உயர்வு வழங்கப்பட்ட வழக்குகளில் உச்சநீதிமன்றத்தின் உத்தரவு பிறப்பிக்கப்பட்டுள்ளது. அவர்களுடைய நியமனம் தொடர்பாகவும், அவர்களுடைய முதுநிலை தொடர்பாகவும் இரண்டு உத்தரவுகள் பிறப்பிக்கப்பட்டுள்ளது. நமது வழக்கறிஞருடன் ஆலோசித்து அடுத்த கட்ட நடவடிக்கை மேற்கொள்ளப்படும்.
- ✍ இந்த ஆண்டிற்கான பதவி உயர்வு (பதவி) பட்டியல் தொடர்பான காலியிட மதிப்பீடு இரு துறைகளிலும் அரசின் ஒப்புதலுக்காக விரைவில் அனுப்பப்படும் என தெரிவித்துக்கொள்கிறோம். தற்போது காலியாகவுள்ள பணியிடங்கள் தேர்தலுக்கு பின்னர் நிரப்பப்படும் என நம்புகிறோம்.
- ✍ கிளைச்சங்கங்களின் நிர்வாகிகள் புதிய உதவிப் பொறியாளர்களை உறுப்பினர்களாக சேர்க்க நடவடிக்கை எடுக்கவும், ENGIBEF-ல் உறுப்பினர்கள் எண்ணிக்கை அதிகரிக்கவும் நடவடிக்கை எடுக்குமாறு கேட்டுக்கொள்கிறோம்.
- ✍ நடைபெற உள்ள சங்க தேர்தலை கருத்தில் கொண்டு உறுப்பினர் சேர்க்கைகளை விரைவில் முடித்து உறுப்பினர் பட்டியலினை இறுதி செய்யுமாறு கிளைச் சங்க நிர்வாகிகளை கேட்டுக்கொள்கிறோம்.

மிக்க அன்புடன்,

பொறிஞர்.மு.மதன்,

பொறிஞர்.மு.தனசேகரன்,

பொதுச் செயலாளர், உதவிப் பொறியாளர் சங்கம் பொதுச் செயலாளர், பொறியாளர் சங்கம்

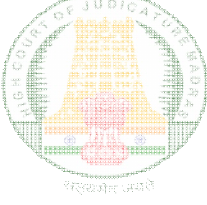
ஏப்ரல் 2024

பொறியாளர்

3

Pay Case order in WP 20401 of 2020, dated 04.04.2024

2024:MHC:1638



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W.P.(MD) No.17163 of 2020
etc. cases

In the High Court of Judicature at Madras

Reserved on : 05.2.2024	Delivered on : 04.4.2024
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Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition (MD) Nos.17163, 17164, 17165, 17167,
17168, 17170, 17171, 17172, 17173, 17174, 17175,
17176, 17177, 17178, 17179, 17181, 17624, 17625,
17649, 18107, 18109, 18533, 18535, 18552, 18555,
18558, 18561, 18564, 18566, 18568, 18571, 18758,
19465 & 19606 of 2020;
54, 56, 60, 63, 64, 67, 4014 & 4029 of 2021; &

Writ Petition Nos.17947, 18261, 18829,
19049, 19053, 19114, 19137, 19180, 19190,
20007, 20397, 20398 & 20401 of 2020;
299, 729, 1197, 1205, 1470, 1508, 1516,
2403, 2571, 2699, 2705, 2932, 3182, 3653, 3700, 4933,
6346, 6784, 10632, 20505, 20509 & 20513 of 2021; &
2972, 2975, 2979, 2982, 2985,
7301, 7310, 25693 & 34571 of 2022
and all connected pending WMPs

W.P.(MD) No.17163 of 2020 :

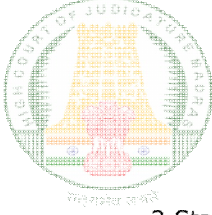
H.Idayathullah

Vs

...Petitioner

1.State of Tamil Nadu, rep.by
the Additional Chief Secretary
Finance Department,
Fort St. George, Chennai-9.

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W.P.(MD) No.17163 of 2020
etc. cases

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2.State of Tamil Nadu, rep. by
the Agricultural Production
Commissioner & Principal
Secretary to Government,
Fort St.George, Chennai-9.

3.The Director of Agriculture,
Ezhilagam, Chennai-5.

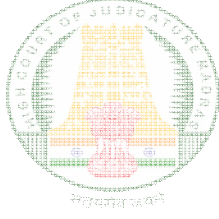
...Respondents

Prayer in W.P.(MD) No.17163 of 2020 :

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent relating to the impugned order dated 12.11.2020 passed by the first respondent in G.O.Ms.No. 401, quash the same and consequently direct respondents 1 to 3 to grant revision of pay scale in terms of G.O.Ms.No.303 dated 11.10.2017 issued by the first respondent from the present pay band as fixed in G.O.Ms.No.448 dated 30.10.2010 without reckoning the pay band fixed under G.O.Ms.No.242 dated 22.7.2013 together with all consequential benefits flowing therefrom.

For Petitioners in
WP(MD) Nos.17163 to
17165, 17167, 17168, 17170
to 17179, 17181, 18107,
18109 & 18571 of 2020 &
W.P.Nos.20398 of 2020 &
1508, 3653 & 3700 of 2021 :

Mr.V.Prakash, SC for
Mr.Swarnam J.Rajagopalan



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W.P.(MD) No.17163 of 2020
etc. cases

For Petitioners in W.P.Nos.
17947 & 20401 of 2020 : Mr.N.L.Rajah, SC for
Ms.S.Varsha

For Petitioners in
W.P.Nos.18261 & 20007 of
2020, 2932 & 3182 of 2021 : Mr.V.Karthic, SC for
Ms.Vedavallikumar

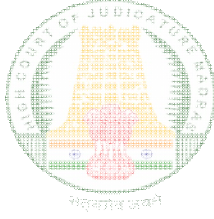
For Petitioners in W.P.Nos.
18829, 19049, 19053, 19114,
19137, 19180 & 19190 of
2020, 299 & 1516 of 2021 : Mr.Naveen Kumar Murthi

For Petitioners in
W.P.No.20397 of 2020 &
W.P.(MD) No.18533 of 2020 : Mr.MA.Gouthaman

For Petitioners in W.P.Nos.
729 & 1470 of 2021 &
W.P.(MD) No.18535 of 2020 : Mr.N.Subramaniyan

For Petitioners in
W.P.Nos.1197, 1205, 2699 &
2705 of 2021 &
W.P.(MD) Nos.54, 56, 60, 63,
64, 67, 4014 & 4029 of 2021 : Mr.R.Prem Narayan

For Petitioners in
W.P.Nos.2403 & 2571 of 2021 &
W.P.(MD) No.18758 of 2020 : Mr.G.Sankaran, SC for
Mr.M.Habeeb Rahman



W.P.(MD) No.17163 of 2020
etc. cases

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For Petitioners in
W.P.No.4933 of 2021 : Mr.P.Rajendran

For Petitioners in
W.P.Nos.6346, 6784 & 10632
of 2021 & 34571 of 2022 &
W.P.(MD) Nos.19465 & 19606
of 2020 : Mr.M.Muthappan

For Petitioners in W.P.Nos.
20505, 20509, 20513 of 2021
& 2972, 2975, 2979, 2982,
2985, 7301 & 7310 of 2022 : Mr.M.Elango

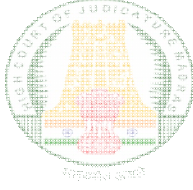
For Petitioners in
W.P.(MD)Nos.17624 &
17625 of 2020 : Mr.VPK.Gowtham

For Petitioner in
W.P.(MD)No.17649 of 2020 : Mr.S.Karunakar

For Petitioners in
W.P.(MD) Nos.18552, 18555,
18558, 18561, 18564, 18566
& 18568 of 2020 : Mr.Raja Karthikeyan

For Petitioners in WP.No.
25693 of 2022 : Mr.C.Iyyapparaj

For State : Mr.C.S.Vaidyanathan,
Senior Counsel assisted by
Ms.C.N.G.Niraimathi



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For Greater Chennai
Corporation

: Mr.S.Gopinathan



W.P.(MD) No.17163 of 2020
etc. cases

COMMON ORDER

These writ petitions have been filed challenging the respective Government Orders whereby the State Government took a decision to re-fix the Pay Band/Grade Pay based on the findings and the recommendations of the Pay Grievance Redressal Committee, 2019 (for short, the PGRC-2019) and for other consequential reliefs.

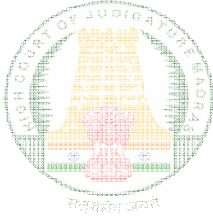
83. The upshot of the above discussions leads to the following conclusions and directions issued by this Court :

(i) *The report of the PGRC 2019 and the consequential impugned Government Orders issued are hereby set aside;*

(ii) *The Government shall constitute a new PGRC under the **Hon'ble Mr.Justice M.Sathyanaranan, formerly Judge of High Court, Madras,** who shall be the Chairman of the new PGRC;*

(iii) *The Chairman of the new PGRC is at liberty to co-opt two experts as he deems appropriate as Members of the new PGRC and it will be more appropriate to co-opt members, who had experience on the financial side and also on the engineering side;*

(iv) *The Government is at liberty to nominate one or two senior level IAS*



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W.P.(MD) No.17163 of 2020
etc. cases

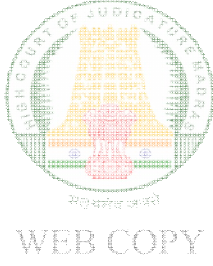
officer(s) at the level of Principal Secretary, serving or retired as Member(s) of the new PGRC;

(v) The remuneration for the Chairman of the new PGRC shall be fixed at Rs.3.5 lakhs per month and the remuneration of the two Members to be co-opted shall be fixed at Rs.2 lakhs each per month;

(vi) It is left open to the Government to fix the remuneration of the Member(s) of the Committee to be nominated by the Government, if he/she is/they are retired IAS Officer(s);

(vii) The Government is directed to constitute the new PGRC within a period of four weeks from the date of receipt of a copy of this order and the Government shall grant six months' time for the new PGRC to submit its recommendations regarding the enhancement/reduction of the pay scales/grade pay of 52 or more categories of 20 or more departments, etc.;

(viii) The terms of reference of the new PGRC shall also be to examine the



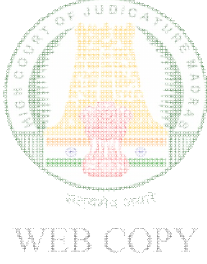
W.P.(MD) No.17163 of 2020
etc. cases

recommendations of the Seventh Central Pay Commission on the scales of pay and other allowances and make necessary recommendations in consequence of the recommendations to be made as per Clause (vii);

(ix) While making the recommendations on the scales of pay/grade pay, the new PGRC shall take into account the historical parity, local conditions, qualifications, the nature of duties, the job responsibilities attached to the post and the local relativities. This shall also include the revision of pension, family pension, retirement benefits, etc., and the new PGRC shall make necessary recommendations;

(x) In view of the direction issued by this Court for constitution of the new PGRC, the present status quo shall be maintained until a fresh decision is taken by the Government based on the recommendations to be given by the new PGRC;

(xi) As clarified in the earlier order passed by the Division Bench in W.A.No.

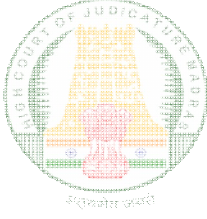


W.P.(MD) No.17163 of 2020
etc. cases

1271 of 2021 dated 27.4.2021, the pay protection that was given by virtue of the interim orders will be subject to the result of the recommendations to be given by the new PGRC, which will be implemented by the State Government; if any excess payment has been made to the petitioners, the same shall be repaid back in view of the undertaking that was given before this Court;

(xii) There shall be a direction to the State Government to make available the office premises with supporting staff and to provide a Government car with driver for the used of the Chairman of the new PGRC for the effective functioning of the Committee; and

(xiii) Within four weeks of the constitution of the new PGRC, all the concerned individuals/associations shall file their respective representations and it is made clear that no representations will be entertained beyond the period of four weeks.



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W.P.(MD) No.17163 of 2020
etc. cases

84. All the above writ petitions are accordingly allowed in the above terms. No costs. Consequently, all connected pending miscellaneous petitions are closed.

04.4.2024

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Index : Yes

Neutral Citation : Yes

Speaking Order : Yes

RS

N.ANAND VENKATESH,J

P.D.Common Order in

WP.(MD) No.17163 of 2020

etc. cases

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04.04.2024

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Judgment on Technical Assistant Case - Supreme Court

REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NOS. 4886-4888 OF 2023

**ASSOCIATION OF ENGINEERS
AND OTHERS ETC**

....APPELLANT(S)

VERSUS

**THE STATE OF TAMIL NADU
AND OTHERS ETC**

....RESPONDENT(S)

WITH

CIVIL APPEAL NO. 4372 OF 2023

CIVIL APPEAL NOS. 4891-4892 OF 2023

CIVIL APPEAL NOS. 4889-4890 OF 2023

CIVIL APPEAL NOS. 5747-5750 OF 2023

J U D G M E N T

B.R. GAVAI, J.

Civil Appeal Nos. 4886 to 4889, 4892 and 5748 to 5750 of 2023

1. The present set of appeals challenge the judgment dated 3rd August 2022, passed by the Division Bench of the High Court of Judicature at Madras ('Madras High Court' for short), whereby the writ appeals being W.A. Nos. 82 and 95 of 2015 and 5251 of 2022 filed by the respondents herein were allowed and the order dated 23rd December 2014 passed by the learned Single Judge of the Madras High Court in Writ Petition No. 11148 of 2017 was quashed and set aside.
2. The facts giving rise to present appeals are as under:
 - 2.1 The employees are governed by Tamil Nadu State and Subordinate Service Rules and also Special Rules to govern different services in the State. The engineering staff comes under the Tamil Nadu Engineering Service and Tamil Nadu Engineering Subordinate Service.
 - 2.2 On 2nd January 1990, Public Works Department, Government of Tamil Nadu (hereinafter referred to as 'PWD') issued an order being G.O. Ms. No. 1 (hereinafter referred to as 'G.O. No. 1') accepting the recommendations of Chief Engineer, PWD (General) and the Tamil Nadu Public Service Commission (hereinafter referred to as 'TNPSC') and directed that from the date of this order, Junior Draughting Officers, Draughting Officers, Overseers and Technical Assistants, who have completed 5 years of service and acquired B.E./A.M.I.E. qualification, will be entitled to be appointed as Assistant Engineers on transfer of service.

- 2.3 On 22nd January 1991, Government Order being G.O. Ms. No. 88 of 1991 (hereinafter referred to as "G.O. No. 88") came to be issued wherein it was clarified that TNPSC need not be consulted for appointment of Junior Draughting Officers, Draughting Officers, Overseers and Technical Assistants, who have completed 5 years of service and acquired B.E./A.M.I.E. qualification, as Assistant Engineers.
- 2.4 Writ Petition No. 3309 of 1991 came to be filed before the Madras High Court by Engineering Graduates challenging G.O. No.1 on the ground that part-time B.E. Degrees were inferior to regular B.E. Degrees. The same were dismissed vide order dated 8th March 1991.
- 2.5 On 31st May 1994, an advertisement being No. 9/94 was issued by the TNPSC for direct recruitment of Assistant Engineers. This advertisement was challenged by several Junior Draughting Officers, Draughting Officers and Technical Assistants before the Tamil Nadu Administrative Tribunal, Chennai (hereinafter referred to as the 'Tribunal') on the ground that their appointment should also be considered in the advertised posts in terms of abovementioned G.O. Nos. 1 and
- 2.6 The Tribunal, vide order dated 17th April 1997, allowed the applications filed by Junior Draughting Officers and Draughting Officers, however, dismissed the applications filed by Technical Assistants. The Tribunal observed that the Technical Assistants are not part of feeder category from which recruitment by transfer can be made for the post of Assistant Engineers.
- 2.7 Thereafter, Association of Engineers, one of the appellants herein filed Writ Petition No. 7523 of 1997 before the Madras High Court challenging the above finding of the Tribunal qua the Junior Draughting Officers and Draughting Officers. The Technical Assistants never challenged the dismissal of their applications by the Tribunal. The High Court, vide order dated 6th November 2006, dismissed the said writ petition. In the year 2009, the said order of the High Court was challenged before this Court in Civil Appeal No. 995 of 2009. This Court, vide order dated 14th September 2017, dismissed the said appeal.
- 2.8 From 1999 till 2002, a total number of 491 vacancies in the post of Assistant Engineers were notified to be filled up. Out of the same, 369 vacancies were to be filled up by direct recruitment and the remaining 122 vacancies were to be filled up by recruitment by transfer. Out of the said 122 vacancies referable to the feeder categories for appointment by recruitment by transfer, 29 vacancies alone had been filled up so far.
- 2.9 The State Government, due to dearth of eligible candidates to fill the remaining 93 vacancies by transfer, issued directions dated 24th February 2006 directing appointment of persons in the category of Technical Assistant, who possessed B.E./A.M.I.E. qualification in Civil Engineering and have rendered 5 years of service on temporary basis.

- 2.10 Vide Proceedings No. S2(2)/29148/2004-24 dated 27th February 2006, 21 Technical Assistants were appointed as Assistant Engineers on temporary basis.
- 2.11 The Association of Engineers, one of the appellants herein, filed writ petition being WP No. 11148 of 2007 before the Madras High Court challenging the abovementioned appointment order dated 27th February 2006 on the ground that the same was violative of the order dated 17th April 1997 passed by the Tribunal in O.A. No. 3348 of 1994 and also the order dated 6th November 2006 passed by the Madras High Court in WP No. 7523 of 1997. Further, the appointments are against the statutory rules prescribed.
- 2.12 Vide order dated 23rd December 2014, the learned Single Judge of the High Court allowed the said writ petition being WP No. 11148 of 2007 and restrained the official respondents from appointing Technical Assistants as Assistant Engineers by recruitment by transfer unless and until the statutory rules were amended making Technical Assistants as feeder category. The services of respondents herein were to be continued for a period of 3 months and in case the rules are amended by inclusion of Technical Assistants as feeder category within three months, they would not suffer reversion. However, if the rules are not amended, then they will be reverted to their original post.
- 2.13 In 2016, the unemployed engineering graduates had filed a writ petition being WP No. 36614 of 2016 before the Madras High Court challenging the validity of G.O. No. 1. The matter is still pending adjudication.
- 2.14 Being aggrieved by the order of the learned Single Judge dated 23rd December 2014, writ appeals being W.A. Nos. 82 and 95 of 2015 were filed before the learned Division Bench of the Madras High Court by the respondents herein. The learned Division Bench of the Madras High Court, vide impugned judgment dated 3rd August 2022, quashed and set aside the order of the learned Single Judge and allowed the writ appeals filed by the respondents herein.
- 2.15 Aggrieved thereby, the present set of appeals came to be filed.
3. We have heard Smt. Madhavi Divan, learned Senior Counsel, Shri N. Subramaniyan and Shri Pranav Sachdeva, learned counsel appearing on behalf of the appellants. We have also heard Shri V. Prakash and Shri Senthil Jagadeesan, learned Senior Counsel, and Shri P. Rajendran, learned counsel appearing on behalf of the respondents. We have also heard Shri Sanjay Hegde, learned Senior Counsel appearing on behalf of the State of Tamil Nadu.
4. Smt. Madhavi Divan, learned Senior Counsel appearing on behalf of the appellants submitted that in the absence of amendment to the Rules, Technical Assistants cannot be permitted to be in the feeder cadre for promotion to the post of Assistant Engineers. She submitted that, in spite of several chances, the State has failed to carry out amendment to the Rules and in the absence of Rules, they are not entitled to be promoted to the post of Assistant Engineers.

- Smt. Divan, relying on Section 10 of the Tamil Nadu Engineering Services submitted that the entry into the Assistant Engineers' Cadre, is either by direct recruitment or recruitment by transfer from Junior Engineers, Overseers, Special Grade Draughting Officers or Civil Draughtsmen of Tamil Nadu Engineering Subordinate Service. It is submitted that the appointment to the post of Technical Assistants has been provided under G.O. MS. No. 1972 dated 18th November 1985. The said G.O. provided that the general and special rules applicable to the holders of the permanent posts in the Tamil Nadu Engineering Subordinate Service shall apply to the holders of the temporary posts of Technical Assistants Civil, Electrical and Mechanical. However, that was subject to the modifications specified therein. The appointing authority to the said posts was the Superintending Engineer of PWD.
5. Smt. Divan submitted that by G.O. MS. No. 1356 dated 2nd August 1980, the State provided for appointment to the post of Junior Engineers (now Assistant Engineers) from the cadre of Draughtsman Grade III, Overseers and Technical Assistants, who, on acquiring degree qualification in Engineering have rendered 5 years of service as Draughtsmen, Overseers, Technical Assistants.
 6. Smt. Divan submitted that the appointment of Technical Assistants as Assistant Engineers is totally illegal, violative of Right to Equality under Article 14 of the Constitution of India and also violative of Article 335 of the Constitution of India which mandates efficiency in public administration. It is further submitted that the entry of Assistant Engineers is through competitive examination on the basis of merit whereas the entry of Technical Assistants is through a backdoor entry i.e. appointment by the Superintending Engineer. It is therefore submitted that, permitting the Technical Assistants to march ahead of the Assistant Engineers would, apart from being anti-merit, would also promote the persons who have entered through backdoor.
 7. Smt. Divan further submitted that the temporary appointments of Technical Assistants have neither been regularized nor has their probation commenced. It is therefore submitted that without regularization and declaration of probation in the category of Assistant Engineers as mandated by Rule 7 of Special Rules to Tamil Nadu Engineering Service, they cannot be made as Assistant Engineers.
 8. Reliance is placed on the judgment of this Court in the case of **Direct Recruit Class II Engineering Officers' Association v. State of Maharashtra and Others**¹ in support of the proposition that unless the appointment is in accordance with the rules, the same is not valid. Reliance is also placed on the judgment of this Court in the case of **A.K. Bhatnagar and Others v. Union of India and Others**² contending that this Court has categorically rejected the argument to consider the appointment of ad-hoc appointees without regularization.
 9. Shri N. Subramaniam, learned counsel appearing on behalf of the appellants supplemented the arguments advanced by Smt. Divan. He submitted that sub-rule (1) of Rule 2 of Tamil Nadu State and Subordinate Services Rules

postulates that a person is said to be 'appointed to a service' when in accordance with the said Rules or in accordance with the Rules applicable at the time, he discharges, for the first time the duties of a post borne on the cadre of such service or commences the probation, instruction or training prescribed for members thereof. It is submitted that the Technical Assistants neither commenced their duties on the posts borne on the cadre of such service nor commenced their probation. He further submitted that, in accordance with Rule 4 of the said Rules, all appointments to a service whether by direct recruitment or by recruitment by transfer or by promotion, can be made by the appointing authority from a list of approved candidates. It is submitted that, since the Technical Assistants are not approved candidates, they cannot be appointed to the post of Assistant Engineers. He further submitted that the temporary appointments in accordance with Rule 10 of the said Rules could be made only for a temporary period only when there is likelihood of delay in making the appointments in accordance with the said Rules. He further submitted that, in accordance with Rule 36A of the said Rules, the appointments by recruitment by transfer can be made only on the ground of merit and ability, seniority being considered only where merit and ability are approximately equal. He submitted that, amendment to Rule 4A specifically prohibits promotion or appointment on the basis of executive orders seeking to modify the Rules. He therefore submitted that, on several grounds, the appointments of Technical Assistants are liable to be set aside.

10. It is further submitted that the appointments so made are contrary to the judgment of this Court in the case of **B.Thirumal v. Ananda Sivakumar and Others³**.
11. Per contra, Shri V. Prakash, learned Senior Counsel appearing on behalf of the respondents submitted that a perusal of G.O. Ms. No. 3037 dated 22nd December 1986 issued by the PWD would reveal that the pay-scales of Overseers and Technical Assistants are the same. It is submitted that the said G.O. Ms. No. 3037 specifically provides that 75% of the vacancies in the post of Junior Engineer (formerly Supervisor) shall be filled up by Engineering degree holders while remaining 25% vacancies shall be filled up by the candidates possessing Engineering Diploma or equivalent certificates. It further provides for promotion from Overseers, Head Draughtsman and Civil Draughtsman (Grad I, II and III). It is submitted that, though the pay-scales of the Overseers are same as that of Technical Assistants and that of Draughtsman Grade III, inadvertently, the cadre of Technical Assistants was not mentioned therein. It is submitted that, in order to rectify this omission, the G.O. No. 1 came to be issued. It provided that, Junior Draughting Officers, Draughting Officers, Overseers and Technical Assistants in PWD, who have put in five years service would be eligible to be appointed as Assistant Engineers on transfer of service on acquiring B.E./A.M.I.E. qualification. Shri Prakash submitted that challenge to the said G.O. No. 1 was negatived by the Madras High Court vide order dated 8th March 1991 in Writ Petition No. 3309 of 1991 in the case of **R.**

- Murali and Others v. The State of Tamil Nadu and Another⁴**. The High Court held that the executive instructions can be issued to fill up the gap till rules are framed under Article 309 of the Constitution of India.
12. Shri Prakash further submitted that, out of 36 Technical Assistants promoted as Assistant Engineers in the years 2006 and 2008, only a few would be remaining in service as most of them have been retired or would be retiring in near future. He therefore submitted that this is a fit case wherein this Court should not exercise its jurisdiction under Article 136 of the Constitution of India.
 13. Shri Senthil Jagadeesan, learned Senior Counsel appearing on behalf of the respondents, relying on the judgment of this Court in the case of **Sant Ram Sharma v. State of Rajasthan and Others⁵**, submitted that where the rules are silent, the said gap can be filled up by the executive instructions. He further relies on the order of the Division Bench of the Madras High Court dated 6th November 2006 in Writ Petition No. 7523 of 1997 in the case of **Association of Engineers' v. The Tamil Nadu Administrative Tribunal and Others⁶**.
 14. We find that, on account of various facts as emerging from the record, it will not be necessary for us to go into the wider issues as canvassed by the parties.
 15. G.O. No. 1 which includes Technical Assistants for being appointed as the Assistant Engineers on transfer of service on acquiring B.E./A.M.I.E. qualification, came to be challenged by Engineering Graduates who had obtained the degree by joining regular courses, before the High Court of Judicature at Madras. The same was negatived by the Madras High Court by order dated 8th March 1991. It is further pertinent to note that the Association of Engineers, who is one of the lead appellants herein, had filed a petition challenging the order dated 17th April 1997 passed by the Tribunal in O.A. No. 3348 of 1994.
 16. The said O.A. No. 3348 of 1994 was filed challenging the Advertisement No.9/94 issued by the TNPSC for the post of Assistant Engineer and for consequentially considering the claim of Junior Draughting Officers, Draughting Officers and Technical Assistants for appointment as Assistant Engineers on the basis of G.O. Ms. Nos. 1 of 1990 and 88 of 1991. The Tribunal, vide order dated 17th April 1997, allowed the applications filed by the Junior Draughting Officers and Draughting Officers, however, dismissed the applications filed by Technical Assistants. The Tribunal observed that the Technical Assistants are not part of feeder category from which recruitment by transfer can be made for the post of Assistant Engineers. The order of the learned Tribunal was challenged by the appellants herein by filing a writ petition being Writ Petition No. 7523 of 1997 titled **Association of Engineers' v. The Tamil Nadu Administrative Tribunal and Others** (supra) before the Madras High Court. The Division Bench of the said High Court rejected the claim of the appellants herein and upheld the order of the Tribunal. It will be relevant to refer to para (13) of the said order, which reads thus:

"13. It is also brought to our notice that the Special Rules were amended by G.O.Ms.No.1745 dated 10.10.1972, which were

subsequently modified by G.O.Ms.No.1356 dated 02.08.1980 and on the basis of representation, the Government reconsidered those executive orders and issued G.O.Ms.No.1 PWD dated 02.01.1990, **stating that with effect from the date of the said order, Junior Drafting Officer, Drafting Officer, Overseers and Technical Assistants, who have put in five years of service will be eligible to be appointed as Assistant Engineers by transfer of service on acquiring B.E./A.M.E.E. degree qualification. We are satisfied that Rule 5 of the Special Rules in no way affects the implementation of the decision of the Tribunal in view of Rule 2(a)(5) of the Special Rules. As observed earlier, it is our duty to mention that in order to implement the orders passed in G.O.Ms.No.1 PWD dated 02.01.1990, the Government have conducted meeting with various Engineering Associations, including the petitioner Association on 10.12.1996 and 03.06.1997 and took a decision to maintain 3:1 ratio between the direct recruitment and recruitment by transfer.** As rightly pointed out, members of the petitioner Association are being considered for the number of vacancies apportioned as per the ratio out of total estimated vacancies. **We have already referred to the order of this Court dated 08.03.1991 in W.P.No.3309 of 1991, upholding the G.O.Ms.No.1 PWD dated 02.01.1990.** It is also not in dispute that executive instructions can be issued to fill up the gap till necessary Rules are framed under Article 309 of the Constitution. All these and other materials have been correctly considered by the Tribunal; and we are in agreement with the conclusion arrived at by it."

17. It can thus clearly be seen that the Division Bench of the Madras High Court held that G.O. No. 1 provided that from the date of the said order, Junior Drafting Officer, Drafting Officer, Overseers and Technical Assistants, who have put in five years of service will be eligible to be appointed as Assistant Engineers by transfer of service on acquiring B.E./A.M.I.E. degree qualification.
18. It is sought to be urged that, before the Tribunal, the Technical Assistants had failed and that they had not challenged the said order of the Tribunal.
19. However, we find that the Division Bench of the Madras High Court clearly referred to G.O. No. 1 and approved it. It is further to be noted that the appeal challenging the aforesaid order of the Madras High Court dated 6th November 2006 has also been dismissed by this Court vide order dated 14th September 2017 in the case of **Association of Engineers v. Government of Tamil Nadu and Others**⁷.

20. Insofar as the issue in the case of **B. Thirumal** (supra) is concerned, the same would not be applicable to the facts of the present case. In the said case, the appellant was working as a Junior Engineer (Electrical). He was appointed to the said post by direct recruitment. Aggrieved by the prevalent practice of Assistant Engineers (Electrical) being empanelled for promotion to the post of Assistant Executive Engineer (Electrical) only against 25% quota apportioned for members of the Subordinate Engineering Service, he had filed a representation. The said representation came to be rejected. It was sought to be contended in the said case that an Assistant Engineer promoted from Junior Engineer cadre and having obtained a degree in engineering was also entitled to compete with the Assistant Engineers directly recruited for 75% of the quota earmarked for the direct recruits. The Court found that the degree holder Junior Engineers continue to be members of the Subordinate Engineering Service even after they are redesignated as Assistant Engineers upon getting a degree qualification. Upon their getting degree qualification, they could be considered only against the 25% quota apportioned for the Subordinate Service and not against 75% apportioned for the State Service members directly recruited to that service or appointed by transfer in terms of the Rules.
21. Such is not the situation here. The Technical Assistants are not claiming against the 75% posts available for direct recruits. Their claim is only towards 25% posts which are required to be filled in from Junior Draughting Officers, Overseers and Technical Assistants who have put five years service and have acquired B.E./A.M.I.E. qualification. It is thus clear that the Technical Assistants are, in no way, encroaching upon the quota apportioned for directly recruited Assistant Engineers. Even if their contention is accepted that once they are brought in the cadre of Assistant Engineers, they would lose their birthmark, in view of the judgment of this Court in the case of **B. Thirumal** (supra), for the higher post, and there will be no competition amongst direct recruits and promotees. Whereas the direct recruits would be entitled to get promotional posts from 75% quota apportioned for them, the Technical Assistants along with other placed amongst them would be entitled to promotional posts only from 25% posts apportioned for them.
22. It is further to be noted that the contention of the appellants that, the services of the Technical Assistants are not regularized, is also contrary to record. It will be relevant to refer to Clause 4 of G.O. Ms. No. 155 dated 13th August 2015, issued by the Government of Tamil Nadu, which reads thus:
- "4. In accordance with the powers delegated under the general rule 48 of the Tamil Nadu State and Subordinate Services Rules Volume II, the Governor of Tamil Nadu orders relaxing the rule 2(a) and rule (5) of the Tamil Nadu Engineering Service (Category-1, Public Works)

the so as to regularize the 72 Assistant Engineers (Civil) as per the Annexure of this order who were appointed retrospectively from the category of Junior Engineers and promoted from the category of Technical Assistants who acquired B.E., Civil Degree before promotion as Junior Engineers so as to enable them for regularization of the services in the category of Assistant Engineers (Civil). Further, the Government also order exempting them from the purview of the G.O.(Ms).No.1, Public Works Department dated 02.01.1990 for regularization of the personnel stated in the Annexure to this order.”

23. It is thus clear that the contention of the appellants that the services of the Technical Assistants have not been regularized is contrary to record. In any case, the State Government, in its affidavit dated 10th March 2023, has categorically reaffirmed this position.

24. It is further relevant to note the relevant extract from the Proceedings No. S2(2)/2918/2004-24 dated 27th February 2006 conducted before the Engineer-in-Chief, W.R.D and Chief Engineer (General), PWD, which reads thus:

“During the year from 1999-2000 to 2001-2002 the number of 369 vacancies have been apportioned to the post of Assistant Engineer to be filled up by direct recruitment and the number of 122 vacancies have been apportioned to the post Asst. Engineer to be filled up by recruitment by transfer.

Out of 122 vacancies apportioned to the post of Assistant Engineer to be filled up by recruitment by transfer, only 29 vacancies have been filled up so far, from the Junior Draughting Officers, Draughting Officers and Overseers. The remaining number of 93 vacancies are still vacant due to dearth of eligible candidates.

Under these circumstances and also pursuant to the directions of the Government, PWD issued in the letter fourth cited the personnels in the category of Technical Assistant, who possessed B.E/A.M.I.E qualification in civil Engineering and rendered 5 years of service, furnished to this proceedings are appointed as Asst. Engineer(civil) in the time scale of pay of Rs.65-00-200-11, 100 on temporary basis under rule 10(a)(i) of the General Rules for the Tamil Nadu State and Subordinate Service, subject to the outcome of W.P.No.7523/97 pending in the High Court of Madras in this matter.”

25. It can thus clearly be seen that the State Government was required to take a decision to appoint Technical Assistants as Assistant Engineers on temporary basis as it was found that out of 122 vacancies apportioned to the post of Assistant Engineer to be filled up by recruitment by transfer, only 29 vacancies had been filled so far. It appears that the attempt of the appellant association is to grab all the posts available even those apportioned for the candidates promoted from subordinate services. In our view, the said attitude is totally unequitable.

26. In any case, any interference at this stage is likely to undo the settled position which has been prevalent almost for a period of last 18 years. As already held hereinabove, the continuation of the appellants as Assistant Engineers would not amount to encroaching upon the 75% posts apportioned for the members of the appellants' association. We may gainfully refer to the following observations of this Court in the case of **Narpat Singh and Others v. Jaipur Development Authority and Another**⁸:

"10.The exercise of jurisdiction conferred by Article 136 of the Constitution on this Court is discretionary. It does not confer a right to appeal on a party to litigation; it only confers a discretionary power of widest amplitude on this Court to be exercised for satisfying the demands of justice. On one hand, it is an exceptional power to be exercised sparingly, with caution and care and to remedy extraordinary situations or situations occasioning gross failure of justice; on the other hand, it is an overriding power whereunder the Court may generously step in to impart justice and remedy injustice. The facts and circumstances of this case as have already been set out do not inspire the conscience of this Court to act in the aid of the appellants."

27. Following the aforesaid, we find that equity demands no interference to be warranted in the impugned judgment in the facts and circumstances of the case.

28. In the result, the appeals are dismissed.

29. Pending application(s), if any, shall stand disposed of.

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30. Learned counsel for the parties agree that the writ petitions being WP No. 3617 of 2017 and 35161 of 2019 filed before the Madras High Court were decided by it without even advert to the facts and the rival submissions and they therefore made a request for remanding the matter to the High Court for consideration afresh.

31. In the result, the appeals are allowed. The impugned orders dated 3rd August 2022 in WP No. 3617 of 2017 and dated 17th March 2022 in WP No. 35161 of 2019 are quashed and set aside and the matters are remanded back to the Madras High Court for consideration afresh in accordance with law.

32. Pending application(s), if any, shall stand disposed of. No costs.

.....J.
[B.R. GAVAI]
.....J.
[SANDEEP MEHTA]
NEW DELHI;
APRIL 16, 2024.

ENGIBEF PHASE-V SCHEME

S.No.	ENGIBEF No.	Name & Address
1	V-690-TNL	Er.R.Joel Sathish, SE, WRD, Ground Water Circle, Madurai
2	V-691-CHE	Er.B.Sundaram, AE, WRD, Irrigation Section, Sholavaram
3	V-692-KKD	Er.K.Muthupandi, AE, WRD, P&D Sub Division, Paramakudi
4	V-693-TNL	Er.G.Senthilvel, AE, WRD, Ground Water Section-3, Tirunelveli
5	V-694-TRY	Er.D.Priyadharshini, AE, WRD, O/o SE, WRD, Special Project Circle, Trichy
6	V-695-TNJ	Er.M.Roja, O/o EE, WRD, P&D Division, Thanjavur
7	V-696-TNJ	Er.K.Anandaraj, TPA to EE, WRD, Cauvery Basin Division, Thanjavur
8	V-697-TNJ	Er.A.Dheepan Malarkaran, AE, WRD, O/o AEE, WRD, Kumbakonam

We request our member engineers who have not enrolled so far in ENGIBEF Phase V Scheme to enroll as full-fledged member by remitting the amount through core banking system **‘TNPWD ENGIBEF, State Bank of India, A/C No.10031641514 of PWD Complex Branch, Chepauk, (IFSC Code SBIN0006489), Chennai’** or through branch offices in Cash / Cheque / Demand Draft.

We solicit your earnest co-operation to enroll in this Scheme & assist the deceased Engineers' family.

“We expect more members to enroll in ENGIBEF PHASE V”

Er.V.Ponraj

Treasurer/ENGIBEF (Cell:9380562186)

Er.M.Suganthi

Secretary/ENGIBEF

FOR THE KIND ATTENTION OF OUR MEMBER ENGINEERS MEMBERSHIP SUBSCRIPTION FOR THE YEAR 2024

- **Annual Member Subscription** Rs. 2000/-
- **Life Membership Spl. Subscription** Rs. 1000/-
- **Retired Engineers (For Poriyaalar Only)** Rs. 500/-

- We request our member Engineers to pay the **SUBSCRIPTION FOR THE YEAR 2024** be a continuous member of our Association.

- For online transaction **A/c: 10031640837, IFSC: SBIN0006489, A/c Name: AOE, TNPWD, State Bank of India, PWD Complex, Chepauk, Chennai-600005**

- **Contact Nos.044-28515445 / 29510445**

Solicit your earnest Co-operation in this regard

Er.D.Sivakumar (Cell:9566731113)

Treasurer, AOE & AEA

Er.M.Dhanasekaran

General Secretary, AOE

Additional Charge Allowance the Engineers, we deserve !!

(An exploration of Fundamental rules and related Govt orders for admitting additional pay to additional charges held by Engineers)

- **Er. D. Chandrasekar, Secretary, AOE ,Erode Branch**

Additional charge allowance – A true scenario:

The following points are extracted from the FR 49 and related Government orders and highlighted for better understanding.

49. The Government may appoint a Government servant whether permanent or officiating, to hold full additional charge or to discharge current duties of * *“any one independent post, either under Government service or under foreign service on deputation, in addition to his regular post”* at one time as a temporary measure, and grant additional pay

When an employee is asked to look after other duties in addition to his normal sphere of duties, then, there arises Combination of Appointment, then additional pay is admissible, provided that both the posts are independent.

Interpretation of the term “independent” occurring in the rule.

(1) The term “independent” occurring in Rule 49 should be interpreted to mean “separate” or “distinct”.

Basic Criteria for admitting application for additional pay

There are two basic factors considered in additional pay:

1. The additional pay is eligible for full additional charge held by Group A and Group B officers only.
2. Additional pay should be allowed only if the period of additional charge is more than 39 days (Including holidays and casual leave).

Eligibility Criteria (EC) for sanctioning additional pay post:

1. The regular post and the post held as additional charge are independent.
2. When the regular post and additional post are not in the same office establishment.
3. When the regular post and additional post are not in the same line of promotion and cadre.
4. When the regular post and additional post are in different territorial Jurisdiction.
5. Additional Post superior to the regular post
6. When the responsibilities of the additional post are indivisible and cannot be distributed to more than one officer.

Rate and Duration of Additional Pay:

Additional pay for holding full additional charge shall be granted at the rate of the one fifth of the pay drawn in the regular post or half of the minimum pay of the additional post, whichever is less.

The additional pay shall be sanctioned irrespective of the duration of the charge held as full additional charge for any one independent post.

Officers empowered to sanction additional charge allowance:

1. Superintending Engineer is empowered to sanction additional charge allowance for Assistant Engineers and Assistant Executive Engineers.
2. Chief Engineer is empowered to sanction additional charge allowance for Executive Engineers and Superintending Engineers.

Examples:-

Clarification frequently required while sanctioning additional charge allowance:

Case 1: Assistant Engineers do not have cheque power and do not take independent decisions. Therefore they are not independent officers and are not eligible for additional pay to hold additional charge.

Reply: (4) *Additional Post equivalent to the regular post.*—(i) When additional charge arrangements are in respect of different territorial jurisdictions, the posts are definitely independent. In such cases additional pay is admissible.

As per definition of “independent ” stated in FR 49 and above rule 4(1) the Assistant Engineer (AE) looks after the duties of another section having different territorial Jurisdiction (The jurisdiction may be differentiated as Geographical territory or Hydrological territory}, he is eligible for additional pay.

Case 2: The Assistant Executive Engineer (AEE) holding additional charge of Administrative officer (AO) / Head Draughting Officer (HDO) post in a Circle office or Regional office.

Reply: The line of promotion and cadre of an Assistant Executive Engineer is different from the Line of promotion of an AO / HDO Further, the duties and responsibilities of the AO / HDO are different and distinct. Therefore AEE is eligible for additional pay. (EC-2&5)

Case 3: The Assistant Executive Engineer working as Technical Personal Assistant (TPA) in a Division office is holding additional charge of a Sub Division.

Reply: The duties and responsibilities of both the posts are separate and Distinct. The responsibilities are indivisible and cannot be distributed to more than one officer. Therefore the TPA is eligible for additional pay. (EC-5)

Case 4: The Special Chief Engineer of a circle holding additional charge of another circle is not eligible for additional pay, since Special Chief Engineer is of higher rank than a Superintending Engineer in the hierarchical system of the office .

Reply : As per definition of “independent” stated in FR 49 and rule 4(1) the Special Chief Engineers are eligible to get additional pay. Moreover A Special Chief Engineer is working in the capacity of a regular Superintending Engineer. There is no superiority power of a Special Chief Engineer over another Superintending Engineer. There is no subordination between the Special Chief Engineer and the Superintending Engineer. Both the posts are Independent. The Special Chief Engineers are not vested with the powers of a Chief Engineer. Therefore, the Special Chief Engineers are eligible to get additional pay for holding additional charge of another Circle. (EC-3&5)

Case 5: The additional pay is not admissible for office posts held as additional charge.

Reply : There is no mention in the rules like this. First, it should be examined whether the additional post is independent or not? and whether the work and responsibilities are indivisible or not? Then, it should be analysed on case to case basis. Based on this, additional pay may be allowed. (EC-1 to 5)

Case 6: The additional pay is not admissible when the regular post and the post held as additional charge are in the same headquarters .

Reply : There is no mention in the rules like this. First, it should be examined whether the additional post is independent or not? and whether the work and responsibilities are indivisible or not? Then, it should be analysed on case to case basis. Based on this, additional pay may be allowed. (EC-1 to 5)

As briefed through the cases the Engineers are eligible to get additional charge allowance for holding full additional charge on a post with regular post.

Bibliography :

- 1.Fundamental Rule 49 (FR49) of Tamil Nadu Government.
2. G.O.(Ms) No. 2151, PWD, Dated. 27.12.1988
- 2.G.O.(Ms) No. 122, P&AR Department, Dated. 03.10.2011
3. G.O.(Ms) No. 153, P&AR Department, Dated. 05.12.2017
- 5.Government Letter No 15303/A-2/2005-2 Dated – 22.06.2005

சங்கத்தின் கோரிக்கை கடிதங்கள்

Letter No.009/GS-AOE/2024

Dated: 21.03.2024

To

The Engineer-in-Chief & Chief Engineer (General),
Public Works Department & Water Resources Department,
Chepauk, Chennai-600005

Sir,

Sub: TNES – Promotion Pay Scale fixation - Executive Engineer / Assistant
Executive Engineer Fixation and Pay Scale – Letter to Commissioner
of Treasury – to be addressed – Reg.
Ref: Arising

We glad to appreciate you for the Promotional Postings issued for the posts of Assistant Executive Engineer (AEE), Executive Engineer (EE), Superintending Engineer (SE) and Chief Engineer (CE) on Temporary basis recently.

We came to know that the fixation of pay scale for the newly promoted AEE, EE as per 6th pay scale is being disputed by the PAO/Treasuries citing the GO's issued during implementation of 7th Pay commission.

In this regard, we wish to brought the following to your knowledge.

1. The pay scales for AE (Assistant Engineer), AEE, EE were finalized during 6th Pay commission as per GO's issued 312 Finance (pay cell) department dt.26.08.2010 based on one man commission recommendation.
2. The implementation of GO.71 Finance (pay cell) department dt.26.02.2011 and GO.242 Finance (pay cell) department dt.22.07.2013 issued to reduce Pay scale of AE, AEE, EE were set aside by Apex Court in CA10029/2017.
3. The Supreme court directed the Government to form a pay grievance redressed committee (PGRC-2019) under the chairmanship of Mr.Justice D.Murugesan, to evaluate the issue of fixing pay scale for AE,AEE and EE as per 6th pay commission in its judgment in CA10029/2017 dt 28.11.2019.
4. Meanwhile the Government implemented 7th pay commission vides GO328 Finance (pay cell) department dt.31.10.2017 for the said categories and stayed by high court in WP29097/2017.
5. Moreover the Go328 becomes infructuous due apex court order in CA10029/2017 dt 28.11.2019.
6. The outcome of PGRC-2019 has issued in GO399 Finance (pay cell) department dt.12.11.2020 for finalizing the Pay scale for AE, AEE, EE as per 6th pay commission.
7. This GO 399 was also challenged in WP20401/2020 and stayed its operation by high court of madras.
8. The final hearing has been completed and awaited for judgment. till then the pay scale for AE, AEE, EE fixed by one man commission of 6th pay commission is applicable.

9. Thus all the GOs issued during implementation 7th Pay for Engineers were stayed by High Court of Madras and finalising pay scale for AE,AEE,EE as per 6th pay commission is still under purview of court.
10. Similarly migrating to 7th pay is also not admissible though the individual has willingness at present.

While things being so, the PAO/treasury is refusing to admit the Pay bills for the newly promoted AEE, EE whose pay scale is fixed as per GO's issued 312 Finance(pay cell) department dt.26.08.2010 issued by one man commission of 6th Pay Commission.

Knowing the facts, the PAO/Treasury indirectly forces the Engineers to migrate to 7th Pay commission which is against the court of law.

Hence, we request your kind consideration to address this issue to the Commissioner of Treasury & Accounts and ask him issue necessary order to PAO and Treasury officers, to admit the Pay bills of the Newly Promoted AEEs, EEs as per GO's 312 Finance(pay cell) department dt.26.08.2010 issued by one man commission formed during 6th Pay Commission. (ie. Scale of pay for AEE Rs.15600+6600 as GP and for EE Rs.15600+7600 as GP).

With kind regards,
Yours truly,

Er.M.Mathan,
General Secretary, AEA

Er.M.Dhanasekran,
General Secretary, AOE

Letter No.010/GS-AOE/2024

Dated: 21.03.2024

To

The Engineer-in-Chief & Chief Engineer (General),
Water Resources Department,
Chepauk, Chennai-600005

Sir,

Sub: TNES – Additional charge allowances – Assistant Engineer(AE) – Sanction authority – Superintending Engineer (SE) - Clarification to Commissioner of Treasury and Accounts – Requested – Reg.

The AE, who works in section level in WRD is being allowed to get additional charge allowances as per FR 49 by Sanctioning Authority SE as per D'code till now.

But in recent days the Commission of Treasury and Accounts has unnecessarily raised the clarification in connection with CM cell petition and the letter 15303/A2/2005-2 dt 22.06.2005 issued by Government. Even though the letter itself admits that the Additional charge allowances shall be issued to JE/AE on the case basis by the Sanctioning authority.

Besides the repeated clarification issued by our association, Commission of Treasury and Accounts, raising the issues again and again and insist respective officials to make recovery from AEs who was already awarded additional Charges allowances. This makes annoying situation and affects the performance of our Engineer in works by creating unnecessary stress and also force our Engineers to make agitation in all forms of legally as well as socially.

Hence we request you, as Head of department to address this subject with necessary clarification to commissioner of Treasury and Accounts citing about the way in which the eligibility of AEs for Additional Charge Allowance is examined by Superintending Engineer as per FR 49 and D code and make him to communicate the same to all PAO and Treasury Officers.

This will be more helpful to our Engineers to get rid of unnecessary pressure in work environment and recovery from financial benefit.

With kind regards,
Yours truly,

Er.M.Mathan,
General Secretary, AOE

Er.M.Dhanasekran,
General Secretary, AOE

Letter No.014/GS-AOE/2024

Dated: 15.04.2024

To

The Principal Secretary,
Finance Department.
Secretariat, Chennai-600009

Sir,

Sub: Pay Scales of AE,AEE,EE of WRD & PWD-Implementation of order of high court in WP 20401/2021 –Requested – Reg.
Ref: Copy of High court order dt-04.04.2024.

We invite your kind attention on the order of Madras High Court in **WP20401/2024** and request the Government to implement the orders of High Court and solve the long pending issue of pay scales of AEs, AEEs & EEs in TNPWD (PWD & WRD now).

The court orders vindicated our stand that the grievances of our AEs, AEEs, & EEs regarding the reduction of pay scales granted by our beloved former **Hon'ble Chief Minister of Tamilnadu Dr.Kalaignar.**

In the view of the reduction of the Pay scales of our AEs, AEEs, & EEs after 2011, our members are forced to move into court to retain the pay scale granted by Former **Hon'ble Chief Minister of Tamilnadu Dr.Kalaignar.**

In the view of the above, Our AEs, AEEs, & EEs are not able to move into 7th Pay commission pay scales and continued in the 6th pay commission pay scales which resulted in monitory loss for our members who are already retired /on the verge of retirement.

We therefore appeal yourself to be kind enough to look into the representation and form the PGRC as ordered by the Hon'ble High Court and render Justice to our Engineers.

With kind regards,
Yours truly,

Er.M.Mathan,
General Secretary, AEA
Encl.: Judgment Order

Er.M.Dhanasekaran,
General Secretary, AOE

SPECIAL CONTRIBUTION

Sl.No	Name	Amount	Remarks
1	Er.S.MARIMUTHU, EE, WRD, Cauvery Basin Division (East) Mayiladuthurai	25,000	Contribution on the eve of his AEE – EE Promotion

We thank Er.S.Marimuthu for his valuable contribution - Editor

Wedding Greetings...

Bridegroom	Bride	Date & Venue
Er.K.Krishnan ,B.E., Assistant Engineer, WRD, Special Design Division, Chepauk, Chennai-5 & EC Member, AEA	Dr.T.M.Shalini ,B.A.M.S.	Muhurtham on Sunday 21.04.2024 from 6.00 AM – 7.30 AM at & Reception on Saturday 20.04.2024 from 6.30 PM Onwards at M.V.Paradise A/c Thirumana Mahal, G.N.T.Road, Kavaraipttai

We wish them a happy & Prosperous Wedding Life – Editor

WRD - RETIREMENT ON 31.03.2024

1	பொறி.V.ராஜா	தலைமைப் பொறியாளர் (ஆயற்பணி)
2	பொறி.S.அன்பரசன்	சிறப்புத் தலைமைப் பொறியாளர்
3	பொறி.K.காஞ்சிதுறை	செயற்பொறியாளர்
4	பொறி.S.பாலசுப்ரமணியன்	உதவிசெயற்பொறியாளர்
5	பொறி.S.சாமிநாதன்	உதவிசெயற்பொறியாளர்
6	பொறி.K.தங்கவேலு	உதவிசெயற்பொறியாளர்

அரசாணை (வாலாயம்) எண்.154, நீர்வளத்(டி2)துறை, நாள்: 31.03.2024

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

PWD - RETIREMENT ON 31.03.2024

1	பொறி.J.ஷாஜகான்	இணை கண்காணிப்புப் பொறியாளர்
2	பொறி.K.ராமசுந்திரன்	உதவிசெயற்பொறியாளர்
3	பொறி.S.லட்சுமி	உதவிசெயற்பொறியாளர்
4	பொறி.N.சித்திவிநாயகம்	உதவிசெயற்பொறியாளர்
5	பொறி.N.பாலாமணி	உதவிசெயற்பொறியாளர்

அரசாணை (வாலாயம்) எண்.71, பொதுப்பணித்(பணி-I-2)துறை, நாள் : 30.03.2024

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

பொறியாளர் நல நிதி 5-ம் திட்டத்தில் உறுப்பினர்கள் அனைவரும் இணைந்திடுமாறு கேட்டுக்கொள்கிறோம்...

பொறியாளர் நல நிதி (ENGIBEF) ஐந்தாவது திட்டம்

ஐந்தாம் திட்டத்தினால் முழுப் பயன் ரூ.2.50 லட்சம் பெற உறுப்பினர்கள் செலுத்த வேண்டிய தொகை

	V - A	முதல் திட்ட உறுப்பினர்கள் (ரூ.300 செலுத்தியவர்கள்)	ரூ.10,200/-
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2	V - B	இரண்டாம் திட்ட உறுப்பினர்கள் (ரூ.600 செலுத்தியவர்கள்)	ரூ.9,900/-
3	V - C	மூன்றாம் திட்ட உறுப்பினர்கள் (ரூ.1,000 செலுத்தியவர்கள்)	ரூ.9,500/-
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5	V - E	மேம்படுத்தப்பட்ட நான்காம் திட்ட உறுப்பினர்கள் (ரூ.7,500 செலுத்தியவர்கள்)	ரூ.3,000/-
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I. பணி காலத்தில் உறுப்பினர் இயற்கை எய்த நேர்ந்தால் வழங்கப்படும் தொகை

V - A	V - B	V - C	V - D	V - E	V - F
முதல் திட்ட பயன்	இரண்டாம் திட்ட பயன்	மூன்றாம் திட்ட பயன்	நான்காம் திட்ட பயன்	மேம்படுத்தப்பட்ட நான்காம் திட்ட பயன்	யோர்த்த பயன்
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ரூ.2,40,000/-	ரூ.2,30,000/-	ரூ.2,15,000/-	ரூ.2,00,000/-	ரூ.2,00,000/-	ரூ.2,50,000/-

(மேற்படி திட்டம் 14.12.2019 அன்று விழுப்புரம் மாதில பொதுக்குழுக் கூட்டத்தில் முடிவு செய்யப்பட்டுள்ளது. எனவே, மேற்படி திட்டம் 01.01.2020 முதல் நடைமுறைக்கு வருகிறது)

II. உணமுற்றதன் காரணமாக பணியிலிருந்து ஓய்வு பெறும்போது உறுப்பினர்களுக்கு அதன்படி அளிக்கப்படும் தொகை.

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31.03.2024 அன்று பணியிலிருந்து ஓய்வு பெற்ற **பொறி.A.முத்தையா**, முதன்மை தலைமை பொறியாளர் மற்றும் தலைமை பொறியாளர் (பொது), நீ.வ.து. அவர்களை நமது தலைமைச் சங்கத்தின் பொறுப்பாளர்கள் நேரில் சந்தித்து வாழ்த்துக்களைத் தெரிவித்தனர்.



31.03.2024 அன்று பணியிலிருந்து ஓய்வு பெற்ற **பொறி.V.ராஜ்**, தலைமை பொறியாளர், நீ.வ.து. மின்வளம் மற்றும் மின்வர் நலத்துறை, சென்னை (அயற்பணி) அவர்களை நமது தலைமைச் சங்கத்தின் பொறுப்பாளர்கள் நேரில் சந்தித்து வாழ்த்துக்களைத் தெரிவித்தனர்.

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