

WA No. 810 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-07-2026

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THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 810 of 2024

AND

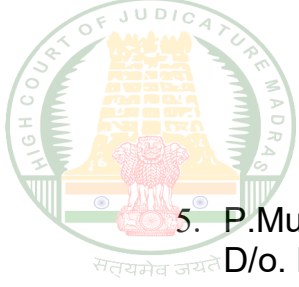
CMP NO. 5561 OF 2024 & CMP NO. 8606 OF 2025

E.Naveenkumar
Assistant Executive Engineer,
Electrical department, Headquarters,
Chennai-600 003.

..Appellant(s)

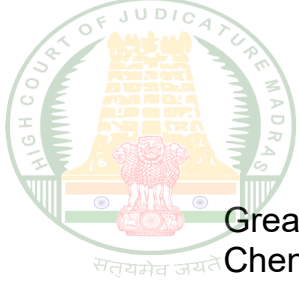
Vs

1. S.Maria Rajasekar
D/o. N. Sebastian
Assistant Engineer (Electrical (Kosapet)
Zone 6, Greater Chennai City Corporation,
Ayanavaram, Chennai 600 023
2. R.Sripriya, D/o. Rajan,
Assistant Engineer (Electrical / Agaram)
Zone, 6, Greater Chennai City Corporation,
Chennai 600 082
3. J.Ravi Kumar, S/o K. Jayaraman
Assistant Engineer (Electrical)
Zone 7, Greater Chennai City Corporation
Ambattur, Chennai 600 053
4. G.Bhaskar, S/o. S. Gajenderan,
Assistant Engineer (Electrical / Kottivakkam) Zone
14, Greater Chennai City Corporation, Perungudi,
Chennai 600 096



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5. P.Muthu Bharathi
D/o. P.A.Perumal, Assistant Engineer (Electrical / Perungudi),
Zone 14, Greater Chennai City Corporation
Perungudi, Chennai 600 096
6. N.Paarvatheesware
D/o. N. Nandakumar,
Assistant Engineer (Electrical / Purchase Section)
Electrical Department,
Greater Chennai City Corporation,
Rippon Building, Chennai 600 003
7. E.Julie Hepzibah
D/o. M.Jaikar Samuel, Assistant Engineer
(electrical), 1 and C Section,
Electrical Department
Greater Chennai City Corporation,
Rippon Building, Chennai 600 003
8. K.Uma
D/o. Kuppusamy Chelliah,
Assistant Engineer (Electrical),
Purchase Section, Electrical Department Greater
Chennai City Corporation,
Rippon Building, Chennai 600 003
9. A.M.Raja Amritha
D/o. Margalingam, Assistant Engineer (electrical),
I and C Section, Electrical Department, Greater
Chennai City Corporation, Rippon Building,
Chennai 600 003
10. S.Saravanan
S/o. T.Selvaragan, Assistant Engineer (Electrical),
Zone 1, Thiruvatriur, Greater Chennai City
Corporation, Chennai 600 019
11. M.S.Arugumam
S/o. M. Selvaraju, Assistant Engineer (Electrical),
Zone 11, Valasarvakkam,



Greater Chennai City Corporation,
Chennai 600 087

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12. N.Velmurugan
S/o.V.Nallathambi,
Assistant Engineer (Electrical),
Zone 8, Valasarvakkam, Greater Chennai City
Corporation, Chennai City
13. N.Senthil Kumar
S/o. M. Narayanan,
Assistant Engineer (Electrical), Zone 11,
Valasarvakkam,
Greater Chennai City Corporation,
Chennai City
14. D.Krishnan
S/o. A. Dakshanamurthy, Assistant Engineer
(Electrical), Zone 11, Ramapuram, Greater
Chennai City Corporation, Chennai City
15. Principal Secretary to Government
Municipal Administration and Water Supplies
Department, Fort St George, Chennai 60 009
16. The Commissioner
Greater Chennai City Corporation,
Rippon Building, Chennai 600 003
17. The Assistant Commissioner (GA and P)
General Department, Greater Chennai City
Corporation, Rippon Building, Chennai 600 003
18. J.Theodar Livingston
S/o.D.Jesudass,
Assistant Executive Engineer / Electrical (In -
Charge), Zone - VI, Greater Chennai Corporation,
Thiru- Vi -Ka Nagar,
Chennai 600 012.
19. T.Mythili



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W/o.Boova Raghavan,
Assistant Engineer (Electrical), Zone -10, Greater
Chennai Corporation, MGR Nagar- Kodambakkam,
Chennai 600024.

20. A.Sukandi
D/o. P.R.Anantharaman,
Assistant Engineer,
No. 4/218, Ellaiamman Koil Street, Neelankarai,
Chennai-600 115.

21. C.Prakash
S/o. V.Chinnachamy, Assistant Engineer, No.13/17,
Akbar Square, 2nd Street, G.K.M.Colony, Kolathur,
Chennai-600 099.

22. M.Karthikeyan
S/o.P.S.Mani,
Assistant Engineer (Electrical)
Residing at,
No.52, F1, 1B, Lake side 2 Apartments,
Puzhal - Ambattur Main Road,
Puzhal, Chennai - 600 066.

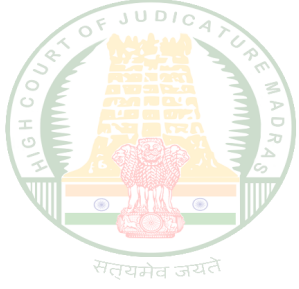
23. G. Gayathri
D/o. C.Satheeskumar,
Assistant Engineer (Electrical),
Residing at, D-39, Narumukhai Apartments,
Brindavan Nagar Extension 2nd Street,
Adambakkam, Chennai 600 088

(Respondent R22 & R23 are impleaded as per the order
dated 08.07.2026 made in CMP.No.16397 of 2026)

..Respondent(s)

Prayer: Appeal filed under clause 15 of the Letters Patent to set aside the
order dated 21.12.2023 passed by the learned Judge in WP No. 3756 of 2020.

For Appellant(s): Mr.N.L.Rajah, Senior Counsel,
for Mr.M.R.Jothimanian



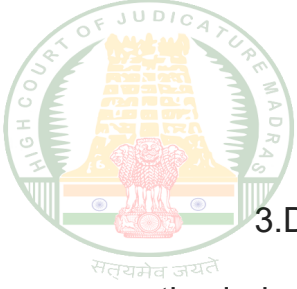
For Respondent(s): Mr.L.Chandrakumar, for R1 to R14
Mr.K.Aswini Devi for R16 & R17
Mr.Naveen Kumar Murthy,
for Ms.Varsha for R22 & R23

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JUDGMENT**(Judgment of the Court was delivered by S.M.Subramaniam J.)**

The present Intra Court appeal under clause 15 of Letters Patent has been instituted challenging the order dated 21.12.2023 passed in WP No.3756 of 2020.

2.The fourth respondent in the writ Petition is the appellant before this Court. The private respondents in the present Appeal instituted the writ petition challenging the resolution No.752 dated 03.09.2018 passed by the Greater Chennai Corporation and for a direction to refix the seniority of the private respondents herein in the cadre of Assistant Engineers (Electrical). In the light of the Division Bench judgment of this Court in W.A..No.2610 of 2019 etc., batch dated 15.11.2019 and effect promotions to the post of Assistant Executive Engineers (Electrical) with all consequential service and monetary benefits.



3. Dehors the facts relating to seniority and promotion, the applicability of the judgment of the Division Bench of this Court in the context of the relief sought for in the writ petition is to be considered.

4. Reading of the judgment of the Division Bench in a batch of writ petitions in the case of *K.Raja and others Vs. Additional Chief Secretary to Government and others* reported in 2019 (6) CTC 750, the Court passed the following judgment:

“38.1 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;



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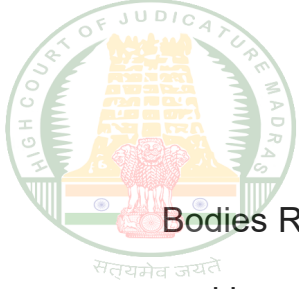
viii Consequently, the respondents are directed to refix the seniority within a period of twelve weeks from the date of receipt of a copy of this order; and

ix W.P. Nos. 11150, 11151 and 22136 of 2018 are dismissed.

38.2 *No costs. Consequently, all connected miscellaneous petitions stand closed.”*

Relying on the said judgment, whereby Section 40 of the Tamil Nadu Government Servants (Conditions of Service) Act 2016 was declared as ultra vires and unconstitutional, the learned senior counsel for the Appellant would contend that the said judgment has no application in respect of the employees serving in Greater Chennai Corporation. Therefore, the relief sought for in the Writ Petition based on the judgment of the Division Bench cited supra is untenable.

5.It is not in dispute between the parties that both the Appellant and the private respondents are the employees of Greater Chennai Corporation. The provisions of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 is applicable only to the Government servants working in Government departments. In respect of Corporation employees, they are governed under separate service rules for seniority namely the Madras Corporation Officers Service Rules 1975 (now Tamil Nadu Urban Local



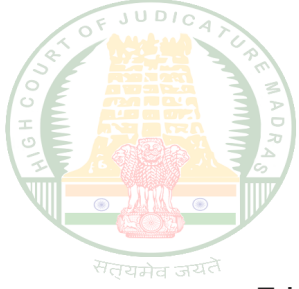
Bodies Rules, 2023) Rule 25 of the said rules states about fixation of seniority and is extracted below:

“25. Seniority.

(a) The seniority of a person in a service, class or category, or grade shall, unless he has been reduced to a lower rank as a punishment, be determined by the rank given to him at the time of initial recruitment to that category or class or in the panel drawn up for promotion or higher category, as the case may be, subject to the rule of reservation where it applies. The date of commencement of his probation shall be the date on which he joins the duty irrespective of his seniority.

(b) Where a member of any service, class, category or grade is reduced to a lower service, class, category or grade, he shall be placed at the top of the latter unless the authority ordering such reduction directs that he shall take rank in such lower service, class, category or grade next below any specified member thereof.”

6. When the Corporation employees are governed by the Corporation Officers Service Rules, which is special rules, the said rule will prevail over the Government servants (Conditions of Service) Act, 2016 which is exclusively applicable to the Government servants. In the present case the service conditions Act has not been adopted by Greater Chennai Corporation since they have a separate service rules namely Madras Corporation Officers Service Rules 1975 (now Tamil Nadu Urban Local Bodies Rules, 2023).



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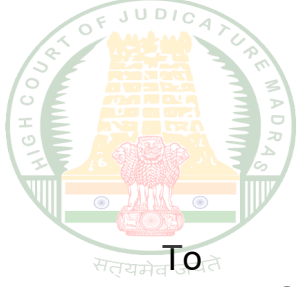
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7. In view of the above factual position, the seniority amongst the Corporation Officers is to be fixed strictly in accordance with Rule 25 of the Madras Corporation Officers Service Rules 1975 (now Tamil Nadu Urban Local Bodies Rules, 2023). Accordingly the Commissioner, Greater Chennai Corporation is directed to initiate all appropriate action to ensure that the seniority amongst the officers is fixed in accordance with Rule 25. The said exercise is directed to be completed as expeditiously as possible. All further promotions shall be granted only after fixation of seniority amongst the officers in accordance with Rule 25 of the Madras Corporation Officers Service Rules 1975.

8. Accordingly, the writ order impugned dated 21.12.2023 passed in WP.No.3756 of 2020 is set aside and the Writ Appeal stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

(S.M.S.,J.) (N.S.,J.)
08-07-2026
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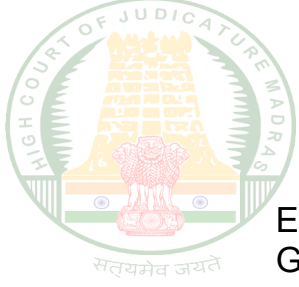
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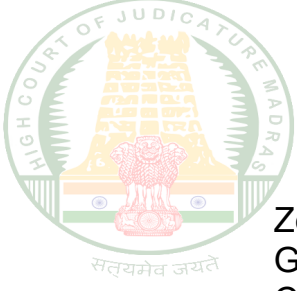
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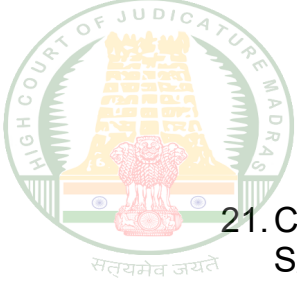
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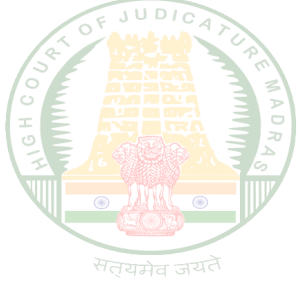
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