



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE KRISHNASWAMY GOVINDARAJAN

WA No. 1486 of 2026

and

C.M.P.Nos.13741 & 13743 of 2026

P.Sathish Kumar
S/o. Late Thiru. S. Palanisamy,
No.33/49, Verivada Road,
Puliyakulam,
Coimbatore - 641045.

..Appellant(s)

Vs

1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Department of Municipal Administration and
Water Supply,
Fort St. George,
Chennai – 600 009.
2. The Director of Municipal Administration,
Urban Administrative Buildings,
No.78, Santhome High Road,
Raja Annamalaipuram,
Chennai – 600 028.
3. The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore.

..Respondent(s)

Writ Appeal filed under Clause 15 of Letters Patent to set aside
the Final orders passed in WP No.4244 of 2025 dated 22.04.2025 on the file
of this Hon'ble Court.



WEB COPY

For Appellant:

Mr.T. Ranganathan

For Respondents:

Mr.K.Rajesh,
Govt.Advocate for R1 & R2
Mr.Natesh Kumar
for Mr.D.Ferdinand for R3

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 by the writ petitioner.

2. The appellant filed a writ petition claiming the post of Assistant Engineer with effect from 26.02.2021 and confirm his services in the post of Assistant Engineer from the said date with all consequential services and monetary benefits. The Writ Court, since dismissed the writ petition, the present Appeal is filed.

3. The facts in brief are that the appellant was appointed as Technical Assistant on 07.01.2014 on compassionate ground in Coimbatore Municipal Corporation. He was promoted to the post of Junior Engineer on 31.12.2020. The next avenue for promotion is Assistant Engineer. The petitioner set out a claim based on G.O.Ms.No.221, Municipal Administration and Water Supply Department dated 27.08.1992 that on completion of B.E.degree, he will be eligible for re-designation to the post of Assistant Engineer.

4. Learned counsel for the appellant would contend that the Government Order issued in G.O.Ms.No.237 Municipal Administration and Water Supply Department dated 26.09.1996 was quashed by the learned single Judge of this Court in W.P.No.6635 of 1997 dated 28.01.2005.



Therefore, the said Service Rules are not in force and thus, the benefit of re-designation to the post of Assistant Engineer is to be extended to the petitioner based on G.O.Ms.No.221 dated 27.08.1992.

5. This Court has carefully considered the issues since certain intricacies has been raised in the matter of existence of the Service Rules.

6. The Government issued G.O.Ms.No.221 dated 27.08.1992 stating that the Junior Engineers working in Municipalities possessing B.E. degree are re-designated as Assistant Engineer on the scale of pay of 2000-60-2300-75-3200-100-3500. Subsequently. G.O.Ms.237 Municipal Administration and Water Supply Department dated 26.09.1996 was issued stating that a new Service Rules to be implemented. The end paragraph of the G.O. states that appended notification of the Tamilnadu Municipal Corporation Service, 1996, which all are applicable to the Municipal Corporation within the State shall be published in the Tamilnadu Government Gazette Extraordinary dated 27.09.1996. Thereafter, the Rule was published in the Tamilnadu Government Gazettee. The Government Order was quashed but the Rules notified are not quashed. The rules notified in the Government Gazettee remains unchallenged and in force for the past about 30 years. Subsequently, the said Rule was amended by the Government in G.O.Ms.No.59 Municipal Administration and Water Supply Department dated 03.03.2016 which was published in the Tamil Nadu Government Gazettee on 03.03.2016. As per the amended Service Rules, the post of Assistant Engineer to be filled up through recruitment by transfer on possessing the following qualification.



WEB COPY

(i) Must possess a degree in Engineering or Town Planning from a recognised University; and

(ii) Must have served as Junior Engineer for a period of not less than 5 years.

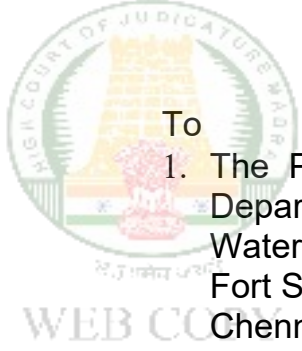
7. Pertinently, 16 amendments imposing condition that a Junior Engineer has to serve in the said post for a period of not less than 5 years, remains unchallenged. Therefore, as of now, a Junior Engineer served not less than 5 years alone is eligible to be promoted/re-designated as Assistant Engineer.

8. In the present case, the claim of the appellant is that on possession of B.E. degree he must be re-designated as Assistant Engineer with effect from the year 2021. Such a claim is running contrary to the amended Rule of Tamilnadu Municipal Corporation Service Rules. Therefore, the findings of the learned Judge that the appellant has not completed 5 years of service is the right view taken in consonance with the Service Rules in force. Thus, this Court does not find any infirmity in the writ order impugned. Consequently, the Writ Appeal stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.S.,J.) (K.G.R.,J.)
13-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

vsi



To

1. The Principal Secretary to Government,
Department of Municipal Administration and
Water Supply,
Fort St. George,
Chennai – 600 009.
2. The Director of Municipal Administration,
Urban Administrative Buildings,
No.78, Santhome High Road,
Raja Annamalaipuram - 028.
3. The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore.



WEB COPY



**S.M.SUBRAMANIAM, J.
and
KRISHNASWAMY GOVINDARAJAN, J.**

vsi

WA No. 1486 of 2026

13-08-2026