



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.25848 of 2008 & 27021 of 2015

and

M.P.Nos.1 of 2008 & 1 of 2015

K.G.Yuvaraj

... Petitioner in both W.Ps

Vs.

1.The Secretary to Government

Municipal Administration and Water Supply Department,
Fort St. George,
Chennai – 9.

2.The Director of Town Panchayat

Kuralagam,
Chennai – 108.

3.The District Collector,

Tiruvallur District
Tiruvallur.

4.The Assistant Director of Town Panchayat,

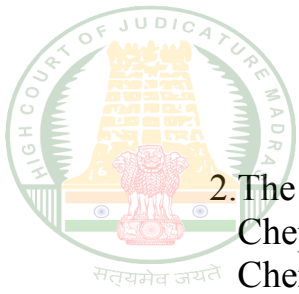
Tiruvallur District,
Tiruvallur.

5.P.Ravichandran

... Respondents in W.P.No.25848 of 2008

1.The Principal Secretary to Government,

Municipal Administration & Water Supply Department,
Fort St. George,
Chennai 600 009.



2. The Director of Town Panchayat,
Chepauk,
Chennai 600005.

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3. The District Collector,
Thiruvallur District,
Thiruvallur.

4. The Assistant Director of Town Panchayat,
Thiruvallur District,
Thiruvallur.

... Respondents in W.P.No.27021 of 2015

Prayer in W.P.No.25848 of 2008: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the impugned seniority list issued by the 4th respondent in proceeding Na.Ka.No:1593/2003/A2 dated 16.04.2008 and the impugned rejection order passed by the 3rd respondent in proceeding Na.Ka.No:1593/2008/A2 dated 12.09.2008 and quash these orders and consequently direct the respondents to prepare the inter-se seniority list based on the date of appointment of the candidate as per Rule 35(aa) of the Tamil Nadu State and Subordinate Service Rules and accordingly promote the Petitioner.

Prayer in W.P.No.27021 of 2015: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order passed by the 1st respondent in G.O.Ms.No.135 Municipal Administration & Water Supply (TP-1) Department dated 10.11.2014 and the consequential impugned order issued by the 3rd respondent in proceedings Na.Ka.No.229/2009 A2 dated 06.12.2014 and quash these orders in so far as they fix the seniority of the



petitioner from the date of appointment to the Tamil Nadu Ministerial Service and consequently direct the respondents to re-fix the seniority of the petitioner and grant him promotion retrospectively with effect from the panel of the year 1999 with all consequential service and monetary benefits.

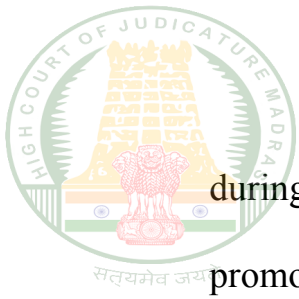
In both W.Ps

For Petitioner : M/s.R.Prem Narayanan

For Respondents : Mr.S.Rajesh
Government Advocate.

ORDER

The petitioner herein was appointed as Sanitary Worker at Pothaturpettai Town Panchayat on 01.02.1989 through employment exchange in the Tamil Nadu Basic Service. While so, the Government issued G.O.Ms.No.150, Municipal Administration and Water Supply (TP-2) Department, dated 19.08.1998, providing for 20% of the vacancies in the post of Junior Assistants, Bill Collectors, Junior Assistants-cum-Typists and Typists in the Town Panchayats, which are part of Tamil Nadu Ministerial Service, to be filled by way of promotion from persons holding the posts of Record Clerks, Sanitary Supervisors and Sanitary Workers in the Tamil Nadu Basic Service. It was thereafter, the respondents have effected promotion to the post of Junior Assistant, etc., in terms of G.O.Ms.No.150 dated 19.08.1998 by promoting some of the Record Clerks as Junior Assistants



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during the year 2000. According to the petitioner, the persons who were promoted as Junior Assistants from the post of Record Clerks are juniors to the petitioner in Tamil Nadu Basic Service, however, the respondents, without preparing any seniority list among various cadres in the Tamil Nadu Basic Service, promoted the candidates holding the post of Record Clerk as Junior Assistant. Under those circumstances, the petitioner approached this Court by filing W.P.No.25848 of 2008, challenging the temporary seniority list that was issued through proceedings Na.Ka.No.1593/2003/A2 dated 16.04.2008, and another proceedings bearing Na.Ka.No.1593/2008/A2 dated 12.09.2008, whereby the objections raised by the petitioner against the temporary seniority list were rejected, and also sought for preparation of seniority list in terms of Rule 35(aa) of Tamil Nadu State and Subordinate Service Rules and for consequential promotion to the post of Junior Assistant.

2. While so, during the pendency of the writ petition, the respondents themselves revised the seniority list and prepared the same in terms of Rule 35(aa) of Tamil Nadu State and Subordinate Service Rules and issued proceedings bearing Na.Ka.No.229/2009 A2, dated 02.07.2009 and



the petitioner herein was placed at Serial No.46 in the revised seniority list.

In the light of the revised seniority list issued by the respondents, the relief sought in W.P.No.25848 of 2008, to that, extent has become infructuous.

3. Consequent upon the issuance of revised seniority list dated 02.07.2009, the case of the petitioner was considered for promotion to the post of Junior Assistant. Accordingly, orders were issued in G.O.Ms.No.135, Municipal Administration and Water Supply (TP-1) Department dated 10.11.2014 and consequently, the petitioner was promoted through proceedings Na.Ka.No.229/2009 A2 dated 06.12.2014. However, the benefit of promotion was granted to the petitioner only from the date of issuance of the Government order i.e., 10.11.2014. Under those circumstances, the petitioner once again approached this Court by filing W.P.No.27021 of 2015 challenging the G.O.Ms.No.135 dated 10.11.2014 and the consequential proceedings dated 06.12.2014 claiming for re-fixation of his seniority and retrospective promotion from the panel year 1999, with all consequential service and monetary benefits.

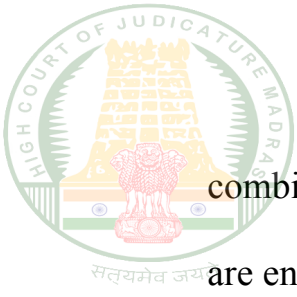
4. There is no dispute on the factual aspects. The claim of the



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petitioner for seniority basing upon his initial entry into Tamil Nadu Basic Service as Sanitary Worker is now accepted by the respondents and accordingly, the revised seniority list was issued on 02.07.2009 duly placing the petitioner at the appropriate place. However, the respondents while granting the consequential benefit of promotion to the post of Junior Assistant in Tamil Nadu Ministerial Service restricted the said benefit only from the date of issuance of the Government order i.e., 10.11.2014.

5. Though the respondents filed counter affidavit and additional counter affidavit, absolutely there is no justification made for denying the benefit of retrospective promotion on par with the juniors of the petitioner to the post of Junior Assistant and there is no justification for granting promotion to the petitioner only from the date of issuance of the Government order. As the claim of the petitioner for fixation of seniority in terms of Rule 35(aa) of the Tamil Nadu State and Subordinate Service Rules is accepted by the respondents themselves, it is the responsibility of the respondents also to grant the consequential promotion to the post of Junior Assistant, etc., on par with the juniors of the petitioner who were promoted ahead of the petitioner, while ignoring the claim of the petitioner and without preparation of



combined seniority list of different cadres in Tamil Nadu Basic Service who are entitled for 20% quota in terms of G.O.Ms.No.150 dated 19.08.1998.

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6. During the course of hearing, it is brought to the notice of this Court by learned counsel for the petitioner that the juniors who were promoted to the Tamil Nadu Ministerial Service ahead to the petitioner were subsequently granted further promotion to the post of Executive Officer, etc. However, no such material is placed before this Court nor the persons who were benefited by such promotion are made parties to the present writ petition. In case, if the the petitioner is granted retrospective promotion and placed at the appropriate position in the seniority list of the Junior Assistant, etc., in the Tamil Nadu Ministerial Service, it will adversely affect certain third parties who are not before this Court. Hence, this Court is not inclined to grant any such relief with regard to the benefit of seniority in the higher cadres in favour of the petitioner. However, the claim of the petitioner for retrospective effect cannot be denied, as the petitioner was illegally deprived of such promotion inspite of issuance of the order by the Government in G.O.Ms.No.150 dated 19.08.1998.

7. In the light of the above, both the writ petitions are allowed



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directing the respondents to grant promotion to the post of Junior Assistant in favour of the petitioner with retrospective effect from the date on which the immediate junior of the petitioner was promoted and also grant fixation of pay, etc., in the post of Junior Assistant and pay all the arrears of salary with effect from 10.11.2014 as expeditiously as possible at any rate within a period of three (3) months from the date of receipt of a copy of this order. Insofar as the claim of the petitioner for further promotion to the higher posts' from the post of Junior Assistant is concerned, it is left open for the petitioner to agitate independently.

8. Accordingly, both the writ petitions are allowed to the extent indicate above. No costs. Consequently, connected miscellaneous petitions, if any, shall stand closed.

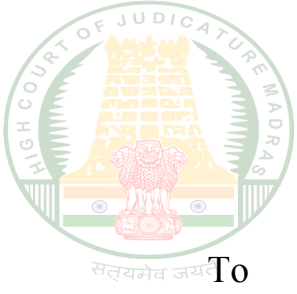
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dpa

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



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MUMMINENI SUDHEER KUMAR, J.



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