



W.P.No.23422 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2025

CORAM:

THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

W.P.No.23422 of 2009

1.Radha	... Petitioner
2. Murugavel	
3.M.Mohanasundaram	
4.A.Subhash Sundar	
5.K.A.Balakrishnan	
6.G.Dhanaselan	
7.M.Suresh Kumar	
8.S.Srinivasan	
9.Selva Kennadi	
10.R.Madhu	
11.C.Sridharan	
12.N.Ramesh	
13.G.Sivakumar	

Vs.

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Government of Tamil Nadu,
Fort St.George,
Chennai-600 009.

2. The Commissioner,
Municipal Administration and Water Supply Department,



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Ezhilagam, Chepauk,
Chennai-600 005.

3. The Commissioner,
Corporation of Salem,
Fort, Salem-636 001.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to forthwith appoint the petitioners herein in the posts of Technical Assistants/Junior Engineers/Assistant Engineers in the Salem Municipal Corporation on the basis of their qualifications and to grant them appropriate seniority, arrears of wages and all other attendant benefits.

For Petitioner : Mrs.A.L.Ganthimathi, Sr.Counsel.
for M/s.Meenakshi Ganesan.

For Respondents 1 & 2 : Mr.T.Seenivasan,
Spl.Govt.Pleader.

For 3rd respondent : Mr.Haja Nazirudeen,
Additional Advocate General,
assisted by Mrs.N.Devi.

ORDER

This writ petition is filed by the 13 persons to direct the respondents to appoint the petitioners in the post of Technical Assistant/ Junior Assistant/ Assistant Engineer in the Corporation of Salem on the basis of their qualifications and grant them appropriate seniority, arrears of wages and all other attendant benefits.



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2. The petitioners have been working as NMRs from the year 1990, 1991, 1994 and 1995 onwards as tabulated in the writ petition. They initially joined in the 3rd respondent Corporation as daily wager. As per G.O.Ms.No.125, Municipal Administration and Water Supply Department dated 25.07.1999, the daily wage workers should be regularised according to their qualifications by the respective local bodies and when the vacancy arise in the entry level post and based on which they are so appointed. Their employment shall be regularised and respective time scale of pay should be granted to them for a period of one year. They would be kept under consolidated pay of Rs.2,000/- per month and after expiry of one year, they would be given time scale of pay and as such pursuant to the aforesaid G.O.Ms.No.125, Municipal Administration and Water Supply Department dated 25.07.1999, the petitioners are working as unskilled workers, receiving the consolidated wage of Rs.2,000/- p.m. For long number of years petitioners were not given the benefit of appointment in the entry level posts taking into account of their qualifications. They were brought into regular time scale of pay as unskilled workers and at the relevant point of time, they were working as unskilled workers in time scale of pay of Rs.2,550-55-2,660-60-3,200/-.



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2.1. The qualifications for the post of Technical Assistant/Junior Engineer is a Diploma in Engineering. As per G.O.Ms.No.125 Municipal Administration and Water Supply Department dated 27.05.1999, petitioners are entitled to be appointed as Technical Assistant/ Junior Engineer/ Assistant Engineer based on their qualifications.

2.2. Meanwhile, the Government issued another Order in G.Ms.No.80-Municipal Administration and Water Supply Department dated 15.05.1998, restructuring the cadres and services in Salem and Coimbatore Corporations sanctioning new posts. As per the said Government Order, the post of Technical Assistant and Junior Engineer were fixed as entry level posts. Meanwhile, the Government, for the purpose of carrying out certain Scheme works in the Salem Municipal Corporation, issued a Government Order in G.O.Ms.No.73 Municipal Administration and Water Supply Department dated 14.05.2008 and sanctioned 29 additional posts for a period of 12 years including 12 posts for Technical Assistant and 8 posts for Junior Engineers. Petitioners were not considered for the said posts.

2.3. In the light of the G.O.Ms.No.125 Municipal Administration and Water Supply Department dated 27.05.1999, the 3rd respondent,



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Commissioner of Salem Corporation submitted a proposal to the Secretary to Government, Municipal Administration and Water Supply Department (1st respondent), through 2nd respondent sought for proposal for appointment of the petitioners in the newly sanctioned posts by referring to the resolution of Salem Municipal Corporation in Resolution No.443 dated 31.01.2007. As no orders were received by the 3rd respondent, as per the requests mentioned supra, W.P.No.14220 of 2008 was filed for issuance of certiorarified mandamus and it was ordered by this Court to consider the representation of the petitioner dated, 30.05.2008.

2.4. It is stated by the 2nd respondent that the Corporation did not furnish the details about the persons working in the post of Technical Assistant and skilled assistant Gr. I and II who have acquired degree and diploma in Engineering and requested the 3rd respondent to send a separate proposal with requisite details including relaxation of rules such as age limit and method of appointment along with copies of the resolution of the Municipal Council and Appointment Committee Resolution. On 29.08.2008, the Municipal Council passed a resolution in Resolution No.260 affirmatively.



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2.5. Thereafter, seniority list in respect of four categories of workers, Technical Assistant/ Skilled Assistant Grade-I, Skilled Assistant Grade-II, Unskilled workers working in the Corporation was issued in the Proceedings dated 10.10.2008 and based on the said seniority list, proposal was forwarded for the purpose of filling up the posts which was sanctioned under G.O.Ms.No.73 Municipal Administration and Water Supply Department dated 14.05.2008. The said proposal was returned by a Proceeding dated 18.11.2008 on the ground that the Corporation has not stated as to whether communal rotation has been followed or not.

2.6. The matter stands at the said stage and the petitioners are continuing in service as unskilled workers on regular time scale of pay not commensurate with their qualifications without enjoying the rights granted to them under G.O.Ms.No.125 Municipal Administration and Water Supply Department dated 12.05.1999, they are entitled to and which has been followed by all other Municipal Corporations.

3. Whereas the learned Additional Advocate General would submit that all the small casual labourers working in Salem Corporation as on 01.06.1996 including the writ petitioners have been brought under



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consolidated pay and subsequently have been granted time scale of pay after a period of one year. It is also stated that these petitioners did not possess required qualifications on the date of Government Order as on 26.09.1996 and simply because they possess higher qualification they cannot be considered for promotion deviating the established norms. The claim of the petitioners is that they should be posted against the post of Technical Assistant/ Junior Engineer/ Assistant Engineer. Though it is not within the ambit of G.O.Ms.No.125 Municipal Administration and Water Supply Department dated 12.05.1999, the Salem Corporation had sent a proposal to the Government for granting exemption to the recruitment rules. The same was not agreed to by the Government and the said proposal was returned.

4. The writ petitioners claim that they possess higher qualification and they should be considered for the post of Technical Assistant/ Junior Engineer/ Assistant Engineer. It is also relevant to note that these posts are not entry level posts. The writ petitioners have entered as Unskilled Workers and their posts have been regularised. Therefore, their contentions are not feasible for the Salem Corporation as mentioned above.



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5. Based on the aforestated discussions and observations, this Writ Petition stands dismissed. However, if any notification for recruitment is issued, the petitioners are at liberty to apply for the posts called for. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Neutral Citation Case : Yes / No
Speaking Order / Non-Speaking Order
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R.KALAIMATHI, J.,

ssn

To

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