



W.P.No.3186 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.3186 of 2025

and

W.M.P.No.3524, 3527, 3531, 3534 of 2025

1. R.Mutukumar
Technical Assistant, Tiruppur City
Municipal Corporation, Tiruppur
641 604

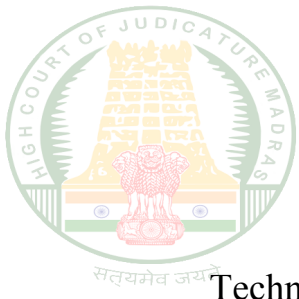
2.G. Manikandan
Technical Assistant, Tiruppur City
Municipal Corporation, Tiruppur
641 604

3.M. Bhuvaneshpandi
Technical Assistant, Tiruppur City
Municipal Corporation, Tiruppur
641 604

4.P. Rameshkumar
Technical Assistant, Tiruppur City
Municipal Corporation, Tiruppur
641 604

5.T. Gowtham
Technical Assistant, Tiruppur City
Municipal Corporation, Tiruppur
641 604

6.L. Subbiah



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Technical Assistant, Tiruppur City
Municipal Corporation, Tiruppur
641 604

.. Petitioners

Versus

1. The Government Of Tamilnadu
Rep. By Its Secretary To
Government, Municipal
Administration And Water Supply
Department, Fort St. George,
Secretariat, Chennai 600 009

2.The Director Of Municipal
Administration And Water Supply
Department,
No. 75, Urban Administrative
Building, Santhome High Road,
Mrc Nagar, Raja Annamalaipuram,
Chennai 600 028

3.The Commissioner
Tiruppur City Municipal
Corporation, Tiruppur 641 604

...Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned notification of the 2nd respondent issued in No.01/DMA/Recruitment/2024 dated 02.02.2024 and quash the same, so as the Tiruppur City Municipal Corporation is concerned and consequently to direct the respondents to consider the cases of the



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petitioners for appointment as 'Assistant Engineer' in the light of the orders issued in G.O.(Ms) No.79, MAWS Department dated 30.04.2001, as it was done by the 1st respondent to the Skilled Assistants Grade II of Coimbatore, Thirunelveli, Salem Corporations and Road Gang Mazdoors in Greater Chennai Corporation within a reasonable period as may be fixed by this Court.

For Petitioners : Mr.R.Singaravelan, Senior Advocate
for Mr.S.N.Ravichandran

For R1 & R2 : Mr.C.Selvaraj,
Additional Government Pleader

For R3 : Mr.Abishek Murthy,
Government Advocate

ORDER

This Writ Petition is filed by the petitioners for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned notification of the 2nd respondent issued in No.01/DMA/Recruitment/2024 dated 02.02.2024 and quash the same insofar as Tiruppur City Municipal Corporation is concerned and consequently to direct the respondents to consider the cases of the petitioners for appointment as 'Assistant Engineer' in the light of the

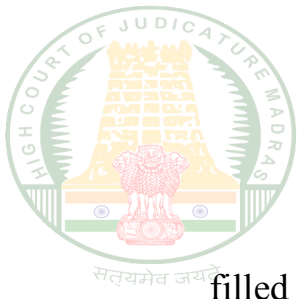


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orders issued in G.O.(Ms) No.79, Municipal Administration & Water Supply Department, dated 30.04.2001, as it was done by the 1st respondent to the Skilled Assistants Grade II of Coimbatore, Thirunelveli and Salem Corporations and Road Gang Mazdoors in Greater Chennai Corporation.

2. The petitioners were appointed as Technical Assistants in the Tiruppur City Municipal Corporation through the Employment Exchange, and are eligible for promotion as Junior Engineer and also for consideration as Assistant Engineer against the Direct Recruitment vacancies, in the light of the orders already passed by the Government Order in G.O.(Ms) No.79, MAWS Department, dated 30.04.2001, wherein, the Government has taken a policy decision to consider the employees working in the lower posts with B.E. Degree qualification for appointment as Assistant Engineer against Direct Recruitment vacancies considering the B.E. Degree qualification and the length of service put in by them, as their experience is very much useful to the administration. The consequential vacancies that arose in the lower categories can be



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filled by Direct Recruitment through the Employment Exchange pursuant to G.O.(Ms) No.79, MAWS Department, dated 30.04.2001. The Commissioner of Coimbatore City Municipal Corporation, Tirunelveli City Municipal Corporation, Salem City Municipal Corporation and Vellore City Municipal Corporation had appointed even Skilled Assistant Grade II employees holding B.E. Degree as 'Assistant Engineer' in their Corporations, and these appointments were also confirmed by the Government in G.O.(D) No.393, MAWS Department, dated 23.09.2017, and G.O.(D) No.191, MAWS Department, dated 28.05.2019. Similarly, the Director of Municipal Administration had also appointed Overseer/Technical Assistants as 'Assistant Engineer', and the said action was confirmed by the Government in G.O.(D)No.457, MAWS Department dated 28.12.2020. Further, the Commissioner, Greater Chennai Corporation had appointed even the 'Road Gang Mazdoors' as 'Assistant Engineer' directly, based on their Educational qualification of B.E. Degree, which was also approved and confirmed by the 1st respondent.



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3. The Government has enacted the new Tamil Nadu Urban Local Bodies Service Rules, 2023 in G.O.(Ms) No.45, MAWS Department, dated 12.04.2023. However, the said Service Rules have not been implemented in view of the technical inadequacy to prepare the combined seniority list, etc., and therefore, the Government has issued orders in G.O.(Ms) No.516, MAWS Department, dated 20.10.2022, permitting the Commissioners of all Corporations to fill up the existing vacancies as on 13.04.2023, as per the provisions under the old Service Rules.

4. The Government has issued orders in G.O.(Ms).No.152, MAWS Department, dated 20.10.2022, re-organising the Municipal Corporations based on the population and, accordingly, sanctioned new posts based on the prescribed norms. According to the said orders, the total sanctioned strength of Assistant Engineer/Junior Engineer in Tiruppur City Municipal Corporation is 32.



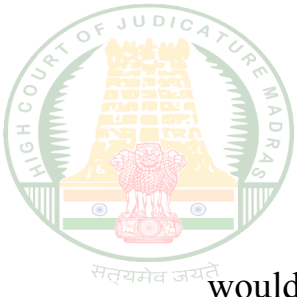
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5. The Recruiting Authority for the post of Junior Engineer/Assistant Engineer is only the Tiruppur City Municipal Corporation Council, and not the 1st or 2nd respondent. The Appointing Authority is the Commissioner of Tiruppur City Municipal Corporation. Any appointment made by the Tiruppur City Municipal Corporation Council shall be confirmed by the 1st respondent, as per Section 106 of the Coimbatore City Municipal Corporation Act, 1981.

6. As per the provisions of Tamil Nadu Municipal Corporation Service Rules, 1996, and Rule 212 of the Tamil Nadu Urban Local Bodies Service Rules, 2023, the post of Assistant Engineer cannot be notified by the Director of Municipal Administration, as it is beyond his competency and jurisdiction. Hence, the petitioners are before this Court challenging the impugned Notification of the 2nd respondent made in Notification No.01/DMA/Recruitment/2024, dated 02.02.2024, as the said Notification is *per se* illegal under the applicable statutes.

7. The learned Senior Counsel appearing for the petitioners



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would submit that, although the petitioners have filed this writ petition for quashing the Notification No.01/DMA/Recruitment/2024, dated 02.02.2024, they now restrict their prayer only to the extent of seeking a direction to the respondents to consider their cases for appointment as Assistant Engineers. This prayer is made in the light of the orders issued in G.O.(Ms) No.79, MAWS Department, dated 30.04.2001, as was done by the 1st respondent in respect of the Skilled Assistants Grade II in the Coimbatore, Thirunelveli, and Salem Corporations, and the Road Gang Mazdoors in the Greater Chennai Corporation.

8. According to the petitioners, they are all Technical Assistants who have completed their B.E. (Civil) / B.E. (Mechanical) degree after completing S.S.L.C and +2, B.E., either with or without DCE. They have satisfactorily completed their probation period, and are working as Technical Assistants. They have submitted representations to the 3rd respondent seeking declaration regarding their completion of probation, but no order has been passed by the 3rd respondent. As per the applicable Service Rules, the petitioners are deemed to have completed



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their probation satisfactorily, and the petitioners now seek for considering their case. According to the petitioners, they were appointed as Technical Assistants, for which they were not qualified as per the Tamil Nadu Municipal Corporations Engineering and Water Supply Subordinate Service Rules, 1996 as the requisite educational qualification is only a 'Diploma in Civil Engineering', not a degree. The 3rd respondent ought to have considered them to the post of Assistant Engineer, for which, they already hold B.E. (Civil) / B.E. (Mechanical) Engineering, but for the various vacancies available for the post of Assistant Engineer, the respondents are trying to fill it through direct recruitment. According to them, they will be deprived of their legitimate appointment to the post of Assistant Engineer who already are appointed on compassionate grounds. The petitioners further contend that various corporations have considered such claims made by Technical Assistants and their cases have been considered, and appropriate orders have been passed. The learned Senior Counsel submits that even in the cases of Skilled Assistants Grade II and Road Gang Mazdoor, appointments have been made to the post of Assistant Engineers in various Corporations.



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Hence, he submits that the petitioners' are all qualified as Engineers, and the authorities should consider their representations in view of the above said appointments made in various Corporations.

9. The learned Government Advocate and the Additional Government Pleader would submit that the respondents will consider the representations of the petitioners' dated 15.03.2024, 15.11.2024 & 10.01.2025, on merits and in accordance with law.

10. This Court, after considering the claim made by the learned Senior Counsel that they are restricting the prayer only to the extent that the representation of the petitioners should be considered on merits and in accordance with law. This Court thereby directs the respondents to consider the cases of the petitioners' as was done in the cases of Skilled Assistants Grade II & Road Gang Mazdoor, and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



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11. With the above direction, this Writ Petition is disposed of.

No costs. Consequently, connected Miscellaneous Petitions are closed.

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31.01.2025

Speaking order : Yes/No

Neutral citation : Yes/No

Index : Yes/No

To

1. The Secretary To Government
The Government Of Tamilnadu
Municipal Administration & Water Supply Department,
Fort St. George, Secretariat,
Chennai 600 009.

2. The Director Of Municipal
Administration And Water Supply
Department,
No. 75, Urban Administrative
Building, Santhome High Road,
Mrc Nagar, Raja Annamalaipuram,
Chennai 600 028

3. The Commissioner
Tiruppur City Municipal Corporation,
Tiruppur 641 604



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V.BHAVANI SUBBAROYAN, J.

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