



W.P.No.2640 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2025

CORAM:

THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

W.P.No.2640 of 2024

and

W.M.P.Nos.2906, 2907 and 2908 of 2024

1. A.Subash Sundar
2. P.Udayakumar
3. M.Murugavel
4. D.Dinesh Raj
5. R.P.Murugan ... Petitioners

Vs.

1. The Commissioner,
Salem City Municipal Corporation,
Salem-636 001.
2. The Director of Municipal Administration,
No.75, Santhome High Road,
M.R.C.Nagar, Raja Annamalaipuram,
Chennai-600 028.
3. The Secretary to Government,
Municipal Administration and Water
Supply Department,
Secretariat, Chennai-600 009. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned letter issued by the 2nd respondent in



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Na.Ka.No.21728/2021/MCA1 dated 16.11.2023 and the consequential order passed by the 1st respondent in Na.Ka.No.C3/10260/2021 dated 20.01.2024 and to quash the same and consequently to direct the 1st respondent to restore the petitioners as Assistant Engineers in Salem City Municipal Corporation with all service and monetary benefits within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.R.Singaravelan, Senior Counsel
for Mr.T.Ranganathan
For 1st respondent : Mr.Haja Nazirudeen,
Additional Advocate General,
assisted by Mrs.N.Devi.
For Respondents 2 & 3 : Mr.S.Rajesh
Government Advocate

ORDER

This writ petition is focussed on the Letter issued by the 2nd respondent in Na.Ka.No.21728/2021/MCA1 dated 16.11.2023 and the consequential Order passed by the 1st respondent in Na.Ka.No.C3/10260/2021 dated 20.01.2024 and to quash the same and consequently to direct the 1st respondent to restore the petitioners as Assistant Engineers in Salem City Municipal Corporation with all service and monetary benefits.

2. The petitioners, five in number, were working as Technical Assistant for more than 10 years without consideration for appointment



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as Junior Engineer by promotion or not considered for appointment as Assistant Engineer as against the direct recruitment vacancies in light of the Orders issued in G.O.Ms.No.79, MAWS Department dated 30.04.2001 by following 3:1 ratio. The petitioners were working as Technical Assistants. Meanwhile, they acquired B.E., Degree in Civil Engineering. The post of Technical Assistant is the feeder category for the post of Junior Engineer as per Rule 4 of the Tamil Nadu Municipal Corporation Engineering and Water Supply Subordinate Service Rules, 1996, thereby ratio of 3:1 between the appointment by direct recruitment and by promotion as Junior Engineer from the post of Technical Assistant. The Commissioner, Salem City Municipal Corporation promoted petitioners as Assistant Engineer on 01.11.2021 and the said order was cancelled after two years without any proper notice. The impugned order of the 1st respondent dated 20.01.2024 is untenable in law.

3. The impugned letter issued by the 2nd respondent in Na.Ka.No.21728/2021/MCA1 dated 16.11.2023 was not served on the petitioners.



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4. The said details have been counteracted by the 1st respondent by stating as follows:

(i) The 1st petitioner has completed his B.E., in Civil Engineering in the year 2008. 1st Petitioner was originally employed as daily wager in the then Salem Municipality and was taken into the respondent Corporation as Skilled Assistant Grade-II by proceedings No.C3/26258/1999 dated 15.05.2000 on a consolidated pay scale for a period of one year. Thereafter, as per proceedings in C3/18466/2002 dated 27.10.2003, he was appointed as Skilled Assistant Grade-II. The 1st petitioner was promoted as Skilled Assistant Grade-I, on 18.05.2017. Thereafter on 09.11.2018 he was appointed as Technical Assistant.

(ii) The 2nd petitioner completed his diploma in Civil Engineering in April 1996. On 09.07.1998, he was appointed as Skilled Assistant Gr.II on compassionate ground. On 09.01.2002 he was promoted as Technical Assistant.

(iii) The 3rd petitioner M.Murugavel completed Diploma in Civil Engineering in April 1988. He acquired B.E., Degree in October 2003. He was appointed as Skilled Assistant Gr.I. He was appointed temporarily on 14.10.1997 and he was promoted as Technical Assistant on 22.04.2010.



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(iv) The 4th petitioner Dinesh was appointed as Skilled Assistant on 26.10.2010.

(v) The 5th petitioner R.P.Murugan was appointed as wireman on 16.11.1990 in Suramangalam Ward. He was appointed as Skilled Assistant Gr.II on 07.07.1992. As per proceedings dated 16.10.2012, he was promoted as Skilled Assistant Gr.I, and on 21.11.2018, he was promoted as Technical Assistant.

5. When two promotions occur, the State Government alone has the power to finalise the promotions of the concerned persons and it is for the Government to permit or reject the same. The Government's permission was not obtained for the temporary promotions. They were redeployed to the original workplace after the promotion. Now, new service rules and posts have been formulated and the petitioners have been directly appointed to the post of Assistant Engineer from the post of Technical Assistant which is against the Corporation's Service Rules. If any such appointment is made against the Rules, there has been approval and sanction by the Government for such appointments. However, the Government has not given any sanction for such appointment. Therefore, the respondent Corporation has to cancel the



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temporarily provided promotions as to demote the petitioners to their original posts.

6. As per G.O.Ms.No.237, MAWS Department, dated 26.09.1996, the qualifications for the post of Assistant Engineer, by direct recruitment is prescribed and is given hereunder:

Name of Post : Assistant Engineer

Method of Recruitment : By direct recruitment

Qualifications : Must possess a Degree in Engineering or must have possessed Diploma in Town planning before completion of probation.

7. On 01.11.2021, the Municipal Commissioner of Salem had ordered promotion permitting the petitioners as Assistant Engineer as per Na.Ka.No.C3/10260/2021 and temporarily promoted on 20.10.2021. The Commissioner of Salem Municipal Corporation then sought for ratification of the above said promotion to the Government, by a letter in Na.Ka.No.C3/10260/2021 dated 16.11.2023 (impugned order). The Director of Municipal Administration issued a direction to the Commissioner, Salem Municipal Corporation to take Departmental



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Proceedings against the concerned Officers in respect of grant of promotion of the above said writ petitioners wherein it has been stated that rules have been violated and promotion was granted.

8. Pursuant to the same, the 2nd impugned Order dated 20.01.2024, was passed by the Commissioner of Salem Municipal Corporation in Na.Ka.No.C3/10260/2021 demoting the writ petitioners along with five others. Before passing impugned orders, no show cause notice appeared to have been issued to the concerned staff/Officer.

9. As regards the letter dated 16.11.2023, the 1st impugned order, a direction is given to the Commissioner, Municipal Corporation to take disciplinary proceedings against the officials in respect of grant of promotion for the writ petitioners and for other four persons. No final order is passed.

10. As regards 2nd impugned order, dated 20.01.2024, passed by the Commissioner of Salem City Municipal Corporation, demoting the writ petitioners and five others, no notice appeared to have been sent to the affected persons. Therefore, the respondent/Commissioner of Salem



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Municipal Corporation shall issue show cause notice to the concerned persons and after receiving the explanation of the concerned persons, he shall pass orders on merits in accordance with law. The said exercise shall be completed preferably within a period of four months from the date of receipt of a copy of this Order.

11. Based on the aforesaid observations and discussions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

26.09.2025

Index : Yes / No
Neutral Citation Case : Yes / No
Speaking Order / Non-Speaking Order
ssn

R.KALAIMATHI, J.,

ssn

To
1.The Commissioner,
Salem City Municipal Corporation,
Salem-636 001.

2.The Director of Municipal Administration,
No.75, Santhome High Road,
M.R.C.Nagar, Raja Annamalaipuram,
Chennai-600 028.



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3.The Secretary to Government,
Municipal Administration and Water
Supply Department,
Secretariat, Chennai-600 009.

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