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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2025

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THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.4244 of 2025
and W.M.P.No.4749 & 4751 of 2025

P.Sathish Kumar

.. Petitioner

Vs.

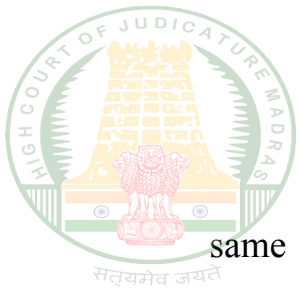
1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Department of Municipal Administration and Water Supply,
Fort St. George,
Chennai – 600 009.

2. The Director of Municipal Administration,
Urban Administration Buildings,
No.78, Santhome High Road,
Raja Annamalaipuram,
Chennai – 600 028.

3. The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned order passed by the 3rd respondent in proceedings Na.Ka.No.7399/2021/M.C1 dated .10.2024 and to quash the



same and consequently direct the respondents (i) to restore the petitioner in the post of Assistant Engineer with effect from 26.02.2021; (ii) to confirm the posting of the petitioner in the post of Assistant Engineer with effect from 26.02.2021; (iii) to grant all other consequential service and monetary benefits to the petitioner.

For Petitioner .. Mr.K.S.Viswanathan, Senior Counsel
Mr.R.Prem Narayan

For Respondents .. Mr.S.Yashwanth,
Additional Government Pleader
For R1 and R2
.. Mr.D.Ferdnand, Standing Counsel
For R3

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to an order passed by the 3rd respondent, Commissioner, Coimbatore Municipal Corporation in proceedings in Na.Ka.No.7399/2021/M.C1 dated 28.10.2024 and to quash the same and direct the respondents to restore the petitioner to the post of Assistant Engineer w.e.f., 26.02.2021 and confirm the post of the petitioner in the post of Assistant Engineer w.e.f., 26.02.2021 and grant all other consequential service and monetary benefits.



2. In the affidavit filed in support of the writ petition, it had been contended that the petitioner had been appointed as Technical Assistant in Coimbatore Corporation on 07.01.2014 on compassionate grounds. His probation was declared on 01.12.2017 and the post of Technical Assistant was also regularized from the date of his initial appointment. He was then promoted as Junior Engineer on 31.12.2020. The petitioner stated that in G.O.Ms.No.221, Municipal Administration and Water Supply Department dated 27.08.1992 it had been directed that Junior Engineers working in Municipalities shall be re-designated as Assistant Engineers as and when they obtain their B.E Degree. The petitioner had completed his B.E Mechanical Engineering in April 2013, and therefore an order was passed by the 3rd respondent on 26.02.2021 upgrading the petitioner from the post of Junior Assistant to the post of Assistant Engineer.

3. Thereafter, a proposal was sent with respect to eight separate individuals who had been similarly upgraded from the post of Junior Engineer to the post of Assistant Engineer seeking confirmation of upgradation. This interpretation of G.O.Ms.No.59, Municipal Administration and Water Supply Department dated 03.03.2016 was called



into question. It must be stated that G.O.Ms.No.221, Municipal Administration and Water Supply Department dated 27.08.1992 would apply only to Municipalities and not to Corporations. The 3rd respondent is Coimbatore Municipal Corporation and therefore, G.O.Ms.No.221 by which the petitioner and others had been upgraded from Junior Assistants to Assistant Engineers, is a Government Order which should not have been applied to the petitioner in the first place.

4.The learned Senior Counsel however pointed out that the Government had ratified the said re-classification with respect to six individuals and the file is still pending with the Government with respect to the other two, including the petitioner.

5.It is contended on behalf of the respondents that a stipulation had been placed in G.O.Ms.No.59, Municipal Administration and Water Supply Department dated 03.03.2016 that quite apart from obtaining qualification in B.E., in the post of Junior Engineer, the individual must have put in a minimum of five years of service to be re-classified as Assistant Engineer. It had been contended that the petitioner had not completed his five years of



service and would be completing the same only on 31.12.2025. It had been stated that immediately thereafter, provided the petitioner is otherwise eligible, the petitioner's post would be upgraded from Junior Engineer to Assistant Engineer.

6.The learned Senior Counsel however pointed that the petitioner had been viewed differently and ratification had been given to six other individuals who were also been redesignated as Assistant Engineers within the period of five years.

7.However, on the side of the respondents, it had been contended that the said six individuals had been once again re-designated as Assistant Engineer only on completion of their five year period.

8.The argument put forth on behalf of the petitioner that if there has been a violation in such re-designation and ratification of such re-designation with respect to six individuals, the said violation must also be extended and the petitioner should not be treated unequally with similarly placed individuals does not withstand judicial scrutiny.



WEB COPY 9. The petitioner will have to canvas his case alone. If he is to question the re-designation of any other individual, then that should be stated out in clear terms and without hearing them no orders can be passed.

10. With respect to the petitioner, it is admitted that he had not completed five years of service in the post of Junior Engineer. He has the qualification of B.E., but unless he completes five years of service, in accordance with G.O.Ms.No.59, Municipal Administration and Water Supply Department dated 03.03.2016, he cannot be re-designated as Assistant Engineer. The proposal has not been rejected. It is still pending with the Government. The Government could also ratify the re-designation after the petitioner completes five years of service and then pass formal orders re-designating the petitioner from Junior Assistant to Assistant Engineer. But the Court cannot step in and issue directions on these issues, particularly when, any direction issued by the Court would affect the services of many number of similarly placed employees, who would take advantage of any observation made.



WEB COPY 11. These are issues under the exclusive prerogative of those in-charge of the administration and even a mandamus cannot be issued to examine the credentials of the petitioner to be once again re-designated as Assistant Engineer. The claim of parity with the other six individuals, will have to be rejected since, merely because their redesignation had been regularized it would not open the door for the petitioner to also seek such regularization in the post of Assistant Engineer.

12. It would only be prudent that the petitioner awaits completion of five years service or orders of the Government which have not been issued since the proposal is still kept pending by the respondents. A certiorari cannot be issued quashing the re-designation of the petitioner from the post of Assistant Engineer to Junior Engineer, since as on date, the petitioner is only eligible to be categorized as Junior Engineer and not as Assistant Engineer. He had not completed five years of service in the post of Junior Engineer. After completion of such service, a vested right might accrue to the petitioner provided he is otherwise eligible to be categorized as Assistant Engineer. The petitioner will have to await for his turn till then.



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13. With the above observations, this Writ Petition stands dismissed.

No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

22.04.2025

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Index: Yes/No

Speaking order : Yes/No

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