



W.P.No.3009 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **26.09.2025**

CORAM:

THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

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1.R.Radha
2.K.A.Balakrishnan
3.G.Dhanaseelan
4.M.Sureshkumar
5.R.Madhu
6.C.Sridharan
7.N.Ramesh
8.G.Sivakumar ... Petitioners

Vs.

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

2. The Commissioner,
Salem Municipal Corporation,
Salem. ... 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 Order dated 20.01.2024 in Na.Ka.No.C3/17532/2013 of the 2nd respondent herein, to quash the



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same and consequently to direct the 2nd respondent herein to regularise the petitioners in the post of Technical Assistants with effect from 22.11.2021 and pay all the attendant benefits by paying the time scale of pay of Rs.4500-125-7000 with effect from 15.05.2001.

For Petitioner : Mrs.A.L.Ganthimathi, Sr.Counsel.
for M/s.Meenakshi Ganesan.
For 1st Respondent : Mr.T.Seenivasan,
Spl.Govt.Pleader.
For 2nd Respondent : Mr.Haja Nazirudeen,
Additional Advocate General,
assisted by Mrs.N.Devi.

ORDER

This Writ Petition has been filed to direct the 2nd respondent to regularise the petitioners in the posts of Technical Assistants with effect from 22.11.2021 and to order to pay all the attendant benefits by paying the time scale of pay of Rs.4500-125-7000 with effect from 15.05.2001.

2. The petitioners had been working as NMRs (Non-Muster Roll) from the year 1990, 1991, 1994 and 1995 onwards as tabulated here under:



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S.No	Name	Date of Joining	Qualification initially possessed	Date of acquiring additional qualification on regularization	Additional Qualification	Total Number of years put in	Present Educational Qualification
1	R. Radha	09.05.1991	D.C.E	19.05.2000	D.C.E	18	D.C.E
2	K.A Balakrishnan	02.12.1990	D.C.E	19.05.2000	D.C.E	19	D.C.E
3	G. Dhanaseelan	03.01.1991	D.C.E	19.05.2000	D.C.E	18	D.C.E
4	M. Suresh Kumar	01.05.1991	D.C.E	19.05.2000	B.E	18	D.C.E and B.E
5	R. Madhu	09.08.1991	D.C.E	19.05.2000	D.C.E	17	D.C.E and B.E
6	C. Sridhar	01.06.1992	D.C.E	19.05.2000	D.C.E	16	D.C.E and B.E
7	N. Ramesh	01.06.1994	D.C.E	19.05.2000	D.C.E	15	D.C.E and B.E
8	G.Sivakumar	01.09.1995	D.C.E	19.05.2000	B.E	13	D.C.E and B.E

They were initially joined in the 2nd respondent Municipal Corporation as daily wagger. 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 vacancy arose in



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the entry level post, they are so appointed. However, petitioners were not given such appointment as per the said Government Order.

2.1. The qualifications for the post of Junior Engineer/Technical Assistant is to possess 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. Petitioners are eligible for appointment as Technical Assistant / Junior Engineer according to their respective qualifications.

2.3. The Commissioner of Salem Corporation submitted a



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proposal to the 1st respondent seeking approval for appointment of petitioners in the newly sanctioned posts and resolution of Salem Municipal Corporation also referred to the said posts by Resolution No.443 dated 31.01.2007. The said proposals did not meet with favourable results for the petitioners. Hence W.P.No.14220 of 2008 was filed before this Court.

2.4. Meanwhile, the Government for the purpose of carrying out certain Scheme works in the Salem Municipal Corporation, issued a Government Order in G.O.(2D).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.

2.5. In the light of the G.O.Ms.No.125 Municipal Administration and Water Supply Department dated 27.05.1999, the 2nd respondent, Commissioner of Salem Corporation submitted a proposal to the Secretary to Government, Municipal Administration and Water Supply Department (1st respondent), for appointment of the petitioners in the



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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 2nd respondent, 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. It is stated by the Commissioner, Ezhilagam, 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 2nd 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 Council and Appointment Committee Resolution. On 29.08.2008, the Council passed a Resolution in Resolution No.260 affirmatively.

2.6. 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 as per Proceedings dated 10.10.2008 of Na.Ka.No.C3/16462/2006 and based on the above said seniority list, proposal was forwarded for the purpose



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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 of Na.Ka.No.24691/2007/F4 by the Municipal Administrative Commissioner on the ground that the Corporation has not stated as to whether communal rotation has been followed or not.

2.7. 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 27.05.1999, 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 Casual labourers working in Salem Corporation, as on 01.06.1996, including the writ petitioners have been brought under 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 requisite qualifications on the date of Government Order



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26.09.1996 and simply because they possess higher qualification they are not considered for promotion deviating the established norms. The claim of the petitioners is that they should be posted as 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 27.05.1999, 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 into service as Unskilled Workers and their posts have been regularised.

5. Whenever any notification for filling up the post of Technical Assistant, Junior Assistant and Assistant Engineer is issued, the petitioners are at liberty to apply for the post. Based on the aforesaid discussions and observations, this Writ Petition stands dismissed. There



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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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To

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

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



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R.KALAIMATHI, J.,

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