



CMP No. 5001 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2025

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**THE HONOURABLE MR JUSTICE R. SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**CMP Nos. 5001 of 2025 & 5766 of 2025
in
W.A.Nos. 3679 of 2024 & 3683 of 2024**

C.M.P.No.5001 of 2025

1. The Commissioner
Salem City Municipal Corporation
Salem 636 001

Appellant(s)

Vs

1. P Sankar
Special Revenue Inspector, salem City
Municipal Corporation, Salem-636001

2.The Director Of Municipal
Administration,
75 Santhome High Road
Pattinambakkam MRC Nagar, Raja
Annamalaipuram, Chennai 600 028



CMP No. 5001 of 2025



3. The Secretary To Government
Municipal Administration and Water
Supply Department Secretariat Chennai
600 009

Respondent(s)

CMP No. 5766 of 2025

1. The Commissioner
Salem City Municipal Corporation
Salem 636 001

Appellant(s)

Vs

1. P Sankar
Salem City Municipal Corporation
Salem 636 001

2. The Director Of Municipal
Administration
75 Santhome High Road
Pattinambakkam MRC Nagar, Raja
Annamalaipuram, Chennai 600 028

3. The Secretary To Government
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Supply Department Secretariat Chennai
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Respondent(s)



CMP No. 5001 of 2025

PRAYER

To vacate the interim stay order dated 19/12/2024 granted in the above Writ Appeals filed by the Appellant and pass such further or other suitable order as this Honble Court.

CMP No. 5766 of 2025

PRAYER

It is humbly prayed that this Hon'ble Court may be pleased to vacate the interim stay order dated 19/12/2024 granted in the above Writ Appeals filed by the Appellant and pass such further or other suitable order as this Hon'ble Court.

For Appellant(s): Ms.N.Devi For The Appellant.

For Respondent(s): Mr.T.Ranganathan For Rr1.
Mr.E.Vijay Anand, Additional
Government Pleader For R2 And
R3.

ORDER

(Order of the Court was made by R.Subramanian J.)

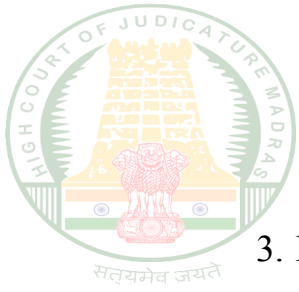
We see no reason to vacate the stay granted. The orders that were under challenge in the writ petitions are dated 14.12.2023 reverting the petitioner in the writ petition from the post of Revenue Inspector (Special) to the post of Assistant and the order dated 11.01.2024 & 12.01.2024, transferring the petitioner from Salem Corporation to Tiruppur Corporation as Assistant.

2. The petitioner was working as a Tax Collector in the Salem Municipality which was upgraded as Salem Corporation was found to be not



qualified to continue as Tax Collector in view of the absorption into service of the City Municipal Corporation as the rules prescribed a qualification of +2 for being appointed as a Tax Collector. Therefore, the Government considered the claims of the petitioner as well as 35 other similarly placed persons working in various Corporations and passed G.O.(D).No.287 on 14.07.2017. The operative portion of the said G.O. reads as follows:-

"6. The Government have considered the issue carefully and after examination, on promotion as Revenue Inspector (Special) the 36 Tax Collectors / Revenue Assistants mentioned in para 4 above will get only annual increment alone additionally and it will be a one time affair and also in the case of Coimbatore Corporation in the similar circumstances, sanction has been accorded to create Revenue Inspector (Special) post, the same may be extended to the Tax Collectors/Revenue Assistants working in Erode, Tirunelveli, Tiruppur, Tiruchi, Dindigul, Vellore, Thoothukudi and Salem Corporations working for 20 years without any further promotion, in the interest of their services, considering that there is no additional expenditure to the Government. The Government accept the recommendation of the Commissioner of Municipal Administration and permit the Commissioners of Erode, Tirunelveli, Tiruppur, Tiruchi, Dindigul, Vellore, Thoothukudi and Salem Corporations to promote these people as Revenue Inspector (Special) by upgrading the Tax Collector/Revenue Assistants existing in the respective Corporations as Revenue Inspector (Special) and they may be permitted to continue till their retirement. On attaining the age of superannuation, these posts may be downgraded as Tax Collector/Revenue Assistant. The Government issue orders accordingly."



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3. In the teeth of the said Government Order, the petitioner was relegated to the post of an Assistant, of course with pay protection which was subject matter of challenge in W.P.No.35517 of 2023. The petitioner challenged the said order and was favoured with an interim order on 21.12.2023. Even when the earlier writ petition namely, W.P.No.35517 of 2023 was pending and an interim order of stay was granted by this Court with a view to circumvent and over reach the said order, the Director of Municipal Administration / the 2nd respondent in W.P.No.35517 of 2023 transferred the petitioner to Tiruppur Corporation as an Assistant. This again, was in violation of G.O.(D).No.287 as well as the interim order granted by this Court. Therefore, the petitioner was forced to file the second writ petition in W.P.No.1246 of 2024, questioning the order of transfer wherein, there was also an order of interim stay in favour of the petitioner.

4. Both these writ petitions came to be disposed of by a common order dated 25.07.2024 where, the learned single Judge dismissed the writ petitions, leading to these appeals. In the appeals, the Division Bench granted stay of operation of the orders and permitted the appellant to continue in the same Salem Corporation. Reasons have also been given in the interim order itself for grant of stay. Now these petitions have been filed seeking to vacate the stay interim order dated 19.12.2024. We have already extracted the operative portion of the G.O.(D).No.287. The said Government Order in effect created 36



post of Revenue Inspector (Special) only to accommodate those persons who were working as Tax Collectors and Revenue Assistants for more than 20 years without promotion and to retain them in service till their retirement. At the risk of repetition, we should point out that the relevant portion of the Government Order namely, G.O.(D).No.287 dated 14.07.2017 reads as follows:-

*"6. The Government have considered the issue carefully and after examination, on promotion as Revenue Inspector (Special) the 36 Tax Collectors / Revenue Assistants mentioned in para 4 above will get only annual increment alone additionally and it will be a one time affair and also in the case of Coimbatore Corporation in the similar circumstances, sanction has been accorded to create Revenue Inspector (Special) post, the same may be extended to the Tax Collectors/Revenue Assistants working in Erode, Tirunelveli, Tiruppur, Tiruchi, Dindigul, Vellore, Thoothukudi and Salem Corporations working for 20 years without any further promotion, in the interest of their services, considering that there is no additional expenditure to the Government. **The Government accept the recommendation of the Commissioner of Municipal Administration and permit the Commissioners of Erode, Tirunelveli, Tiruppur, Tiruchi, Dindigul, Vellore, Thoothukudi and Salem Corporations to promote these people as Revenue Inspector (Special) by upgrading the Tax Collector/Revenue Assistants existing in the respective Corporations as Revenue Inspector (Special) and they may be permitted to continue till their retirement. On attaining the age of superannuation, these posts may be downgraded as Tax Collector/Revenue Assistant. The Government issue orders accordingly.**"*

5. Therefore, none of the Commissioners of these Corporations namely, Erode, Tiruppur, Tiruchi, Dindigul, Vellore, Thoothukudi and Salem had any



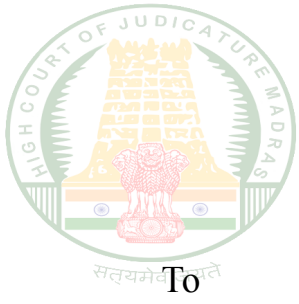
discretion to either demote or to redesignate these 36 employees who were working as Tax Collectors or Revenue Assistants who are made as Revenue Inspectors (Special) by a Government Order issued with the concurrence of the Hon'ble Governor of the State. Therefore, we see no reason to vacate the interim order.

6. We also find that the order of transfer is motivated only to circumvent the orders of stay granted by the learned single Judge in W.P.No.35517 of 2023. We therefore, dismiss the vacate stay petitions. However, we make it clear that it will be open to the Salem Municipal Corporation to proceed with any enquiry that has been initiated against the petitioner. We make it clear that the petitioner shall be permitted to work as Revenue Inspector (Special) in Salem Corporation and required orders be passed within a period of two weeks from today.

(R.S.M., J.) (G.A.M., J.)

09-04-2025

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To

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Special Revenue Inspector, salem City
Municipal Corporation, Salem-636001

2.The Director Of Municipal
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3.The Secretary To Government
Municipal Administration and Water
Supply Department Secretariat Chennai
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CMP No. 5766 of 2025

To

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Salem City Municipal Corporation
Salem 636 001

2.The Director Of Municipal
Administration
75 Santhome High Road
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**R.SUBRAMANIAN J.
AND
G.ARUL MURUGAN J.**

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**CMP Nos. 5001 of 2025
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in
W.A.Nos. 3679 of 2024 &
3683 of 2024**

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