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W.A.No. 2047 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.SURENDER

W.A.No. 2047 of 2025
and
C.M.P.No. 15542 of 2025

The Commissioner,
Tiruppur City Municipal Corporation,
Tiruppur.

...Appellant

Vs.

1.N.Mathivanan

2.The Secretary to Government,
Municipal Administrative and
Water Supply Department Secretariat,
Chennai – 600 009.

3.The Commissioner of Municipal Administration,
Chepauk, Chennai – 600 005.

4.R.Purushothaman

5.M.Sathianathan

6.K.Marimuthu

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 13.03.2024 made in W.P.No. 30257 of 2008.

For Appellants : Mr.R.Neelakandan



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Additional Advocate General assisted by

Mr.Arun Kumar D.R.

For Respondent : Mr.S.Ramesh for R1

Mr.C.Selvaraj

Additional Govt. Pleader for R2 & R3

R4 & R5 – No representtion

JUDGMENT

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

We do not find any merit in the appeal. The 1st respondent was appointed as a Computer-cum-Clerk in the Indian Population Project on 27.01.1989. When the project came to be terminated, he was absorbed in the Municipal services and was appointed as an Assistant, which post carried an equal scale of pay. After completion of 10 years of service in the post, he was also granted selection grade of pay. He has been working as an Assistant in the then, Tiruppur Municipality from 08.09.1995.

2. The Government issued G.O.Ms.No.35, Municipal Administration, Water Supply Department dated 07.03.2008, which regulated the absorption of the Staff working in the India Population Project-V into Municipal services. The said Government order provided that the Computer-cum-



Clerks working in the population project would be absorbed in the municipal services as Assistants and the rules will be amended in tune with the Government Order. Paragraph 6 of the said Government Order required the Municipal Commissioners to regularize the services of these Computer-cum-Clerks who were observed as Assistants and grant them annual increments and also leave benefits. Subsequently, on 31.03.2008, the Government directed that those persons observed from the Population Project-V should be regularized from the date of their initial appointment, their probation is also be declared by the Municipal Commissioners. There was also a direction to pay annual increments and leave benefits, apart from special grade and selection grade salary.

3. In the meantime, the Tiruppur Municipality was upgraded as a City Municipal Corporation. Upon such upgrading, G.O.Ms.No.56 dated 01.04.2008 came to be passed. This Government Order provided for absorption of employees working in the Tiruppur Municipality as employees of the Tiruppur Municipal Corporation. It also provided for an exercise of option by the employees to go back to municipal services. Clause-II of the said Government Order provided that those employees of the Municipality, who continued in the Corporation should be allowed to continue and in

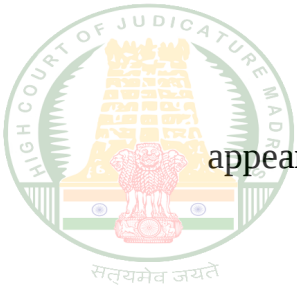
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determining the *inter se* seniority, their seniority should be counted from the date, on which, they were appointed to the posts. The petitioner was denied seniority on the premise that his date of appointment would be 07.03.2008 namely, the date of G.O.Ms.No.35. This led to the challenge.

4. The writ Court, after taking into account the language of the Government Orders referred to above, concluded that a combined reading of G.O.Ms.No.56 and G.O.Ms.No.35 as well as the letter dated 31.03.2008 in Na.Ka.No.65841/2001/H3 would definitely lead to the conclusion that the employees, who are absorbed into the Corporation service would be entitled to seniority on the basis of their original date of joining and not from the date, on which, they were absorbed into the Corporation service. On the said premise, the learned single Judge allowed the writ petition with a direction to fix the seniority of the 1st respondent with effect from 27.01.1989 namely, the date on which, the initial appointment namely, in the post of Computer-cum-Clerk. Aggrieved, the Government has come up with this appeal.

5. We have heard Mr.R.Neelakandan, learned Additional Advocate General appearing for the appellant and Mr.S.Ramesh, learned counsel



appearing for the 1st respondent.

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6. The act of the Government in upgrading of Municipality into Corporation is the policy decision of the Government and treatment of the employees of such Municipality, who are absorbed into Corporation service has been set out in G.O.Ms.No.35 and G.O.Ms.No.56. In fact, the second paragraph of G.O.Ms.No.56 very clearly states that those employees, who had continued in the service of Corporation after its formation, should be treated as Corporation employees and their *inter se* seniority should be decided on the basis of their initial date of joining and not on the date of the creation of the Corporation. The letter dated 31.03.2008 puts the controversy beyond pale of doubt when it directs that these persons, who are working in the project who are absorbed into municipal service should be treated as having joined in the Municipal services from the date, on which, they were appointed in the project. Therefore, we are unable to fault the learned single Judge for having reached the conclusion that he has.

7. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed. Eight weeks time is granted to comply with the order of the writ Court. It is made



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clear that the 1st respondent will be placed below the Assistants, who were already in service as on 27.01.1989.

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(R.S.M., J.) (K.S., J.)
08.07.2025

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Internet: Yes/No

Index: Yes/No

Speaking / Non-speaking order

Neutral Citation : Yes / No

To:-

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

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2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.

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

R.SUBRAMANIAN, J.
and
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