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WP No. 24599 of 2014



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2025

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

**WP No. 24599 of 2014
& MP Nos.1 & 2 of 2014**

1. V. Manickavasagam,
Municipal Commissioner (Retd)
Komarapalayam Municipality,
Namakkal District.

Petitioner(s)

Vs

1. The Commissioner of Municipal
Administration, Chepauk, Chennai 5

2.The Secretary to Government,
Municipal Administration and Water
Supply Department,
Secretariat, Chennai 9

Respondent(s)

PRAYER

This writ petition has been filed seeking for issuance of a Certiorarified Mandamus, to call for the records relating to the impugned order of the 1st respondent issued in Letter Roc. No.33041/2012/C1-2, dt 23.7.2014 and quash the same and consequently direct the 1st respondent to fix the pay of the petitioner on par with his Juniors in the category of Selection Grade with effect from 09.11.2009 and to revise the pensionary benefits from 30.07.2012.

For Petitioner(s): M/s.T.Ranganathan



For Respondent(s): Mr.V.Veluchamy, AGP

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ORDER

The challenge in this writ petition is to the order dated 23.07.2014 issued by the first respondent in Letter Roc.No.33041/2012/C1-2, whereby the claim of the petitioner for promotion to the post of Selection Grade Municipal Commissioner came to be rejected.

2. The petitioner, while working as Municipal Commissioner Grade-I, retired from service on attaining the age of superannuation on 28.02.2011. Thereafter, on coming to know that his juniors, namely, A. Arumugam and K. V. Balakrishnan, who served as Municipal Commissioner Grade-I, was promoted to the post of Selection Grade Municipal Commissioner, the petitioner submitted a representation seeking promotion to the said post with all attendant benefits. The said representation came to be rejected by the impugned order, necessitating the petitioner to approach this Court.



3. The learned counsel appearing for the petitioner submitted that the impugned order itself reveals that the petitioner's juniors were promoted on a temporary basis. However, they were extended the salary payable to the promoted post. In this regard, reliance was placed on the proceedings bearing Na.Ka.No.4601/2009/A1 dated 14.12.2009 issued by the Regional Director of Municipal Administration (in-charge), Salem, whereby the pay of the petitioner's junior, namely, A. Arumugam, was fixed from the date of joining, i.e., 16.11.2009, under the Tamil Nadu Revised Pay Scales Rules, 2009, at Rs.25,380/- in the scale of pay of Rs.15,600-39,100 with Grade Pay of Rs.5,700/-. Therefore, according to the petitioner, rejection of his claim for promotion to the post of Selection Grade Municipal Commissioner is arbitrary, discriminatory, and unsustainable in law.

4. Per contra, Mr. V. Veluchamy, learned counsel appearing for the respondents, submitted that the petitioner was promoted as Municipal Commissioner Grade-II on an ad hoc basis, whereas his juniors, namely, A. Arumugam and K. V. Balakrishnan, were not promoted to the post of Selection Grade Municipal Commissioner but were only elevated to the said post on administrative contingency, and as such, they were paid the



salary in the pay scale attached to the post of Selection Grade Municipal Commissioner. Therefore, the contention of the petitioner that he is entitled to promotion on par with his juniors is untenable. It was further submitted that the writ petition is devoid of merits and is liable to be dismissed.

5. The submissions advanced by the learned counsel appearing on either side and the materials placed on record have been carefully considered.

6. In the counter affidavit filed by the second respondent, it is stated in paragraph 3 that the benefits under elevated promotion were not extended to the petitioner on the ground that he was appointed as Municipal Commissioner Grade-II on an ad hoc basis, whereas his juniors were appointed on a regular basis. However, in the very same paragraph, as well as in paragraph 5 of the counter affidavit, the second respondent has categorically admitted that the petitioner was fully eligible for promotion to the post of Municipal Commissioner Grade-I on 15.03.2009



and was also fully eligible for promotion to the post of Selection Grade
Municipal Commissioner on 09.11.2009.

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7. It is further stated that the petitioner's juniors, namely, A. Arumugam and K. V. Balakrishnan, were not promoted but only elevated to the post of Selection Grade Municipal Commissioner. This clearly establishes that they were juniors to the petitioner. The contention of the respondents that the petitioner was appointed as Municipal Commissioner Grade-II on ad hoc basis is without any substance. The proceedings dated 14.12.2009 referred to above reveal that even A. Arumugam, who is admittedly junior to the petitioner, was elevated to the post of Selection Grade Municipal Commissioner on administrative contingency, and his salary was fixed in the pay scale attached to the said post. When a junior has been extended the benefit of pay fixation and other attendant benefits of the higher post, denial of the same benefit to the petitioner, who is admittedly a senior, is wholly unjustified and contrary to settled principles of service jurisprudence. Such denial is arbitrary and violative of Article 14 of the Constitution of India. Consequently, the impugned order dated



23.07.2014 passed by the first respondent is liable to be quashed.

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8. Accordingly, the writ petition is allowed, and the impugned order issued by the first respondent in Letter Roc.No.33041/2012/C1-2 dated 23.07.2014 is hereby quashed. The respondents are directed to promote/elevate the petitioner notionally to the post of Selection Grade Municipal Commissioner with effect from 16.11.2009, the date on which his juniors were promoted to the said post, and to extend all attendant benefits. The respondents are further directed to revise the petitioner's pensionary benefits consequentially. The said exercise shall be completed within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

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Index:Yes/No

Neutral Citation:Yes/No



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