



W.P.No.23963 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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R.Anbazhagan ... Petitioner
Vs.

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

2.The Director of Municipal Administration,
Chennai-600 028.

3.The Commissioner,
Salem Corporation, Salem-636 001. ... 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 impugned Order of the Third Respondent in Na.Ka.No.C3/10260/2021 dated 20.01.2024 and quash the same and direct the respondents to restore the petitioner to the post of Assistant Engineer as on 20.01.2024 and to grant the petitioner all the consequential benefits or in the alternative promote the petitioner to the



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post of Junior Engineer in accordance with the petitioner's seniority in the post of Technical Assistant as requested by the petitioner in representation dated 13.05.2024.

For Petitioner : Mr.P.Mohanraj.
For Respondents 1 & 2 : Mr.T.Seenivasan,
Spl.Govt.Pleader.
For 3rd respondent : Mr.Haja Nazirudeen,
Additional Advocate General,
assisted by Mrs.N.Devi.

ORDER

This writ petition is filed to quash the Order passed by the 3rd respondent in Na.Ka.No.C3/10260/2021 dated 20.01.2024 and to issue a direction to the respondents to permit the petitioner to continue as Assistant Engineer in Salem Corporation as per the orders passed in G.O.Ms.No.59 dated 03.03.2016 with all consequential benefits or in the alternative, promote him to the post of Junior Engineer in accordance with his seniority in the post of Technical Assistant as per his representation dated 13.05.2024.

2. The petitioner R.Anbazhagan, S/o. Mr.G.Ramasamy was initially appointed as wireman in Salem Corporation on 15.03.1990. The post of wireman was re-designated as Skilled Assistant Grade-II on 15.05.1998. The petitioner was promoted from the post of wireman to the



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post of skilled Assistant Grade-I on 13.03.2002. From the said post, he was promoted to the post of Technical Assistant on 22.04.2010. He passed B.E.,(EEE), degree examination in May 2012.

2.1. The petitioner was promoted to the post of Assistant Engineer temporarily as per the Order passed by the Commissioner of Salem Corporation in Na.Ka.No.C3/010260/2021 dated 01.11.2021, wherein it has been stated in the said order that the promotion was ordered as per the seniority list of Technical Assistant, as per the promotion panel and in accordance with the recommendations of the Selection Committee. The said order reads that the promotion was ordered as per Service Rules, subject to ratification and confirmation by the Government with regard to age limit and method of recruitment (Direct Recruitment) he took the promotion post of Assistant Engineer on 01.11.2021.

3. An order was issued by the Commissioner of Salem Corporation on 20.01.2024 in Na.Ka.No.C3/10260/2021 cancelled the aforestated promotion on the ground that the Government did not grant any rule relaxation or ratification or confirmation. Therefore, the petitioner was reverted to the post of Technical Assistant and he retired from service as



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Technical Assistant on 31.05.2024 on attaining the age of superannuation.

4. He submitted a representation to the respondents through proper channel on 13.05.2024, requesting them to promote him to the post of Junior Engineer as there were five vacancies in the post of Junior Engineer and he was at Serial No.4 in the seniority list of Technical Assistant.

5. Heard the arguments of the learned counsel for the petitioner and the learned counsels for the respondents.

6. On perusal of records, it appears that recruitment to the post of Assistant Engineers is to be done as per Tamil Nadu Municipal Corporations Engineering and Water Supply Subordinate Service Rules, 1996. As regards direct recruitment and seniority list, on the basis of 3:1 ratio the Technical Assistants are appointed.

7. As per G.O.Ms.No.237 MAWS Department dated 26.09.1996 and as per Rule 5 of the Tamil Nadu Municipal Corporations Engineering



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and Water Supply Subordinate Service Rules, 1996 for direct recruitment and by promotion, the ratio was fixed at 3:1 for the post of Junior Engineer from Technical Assistant.

8. As per Rule 4 of Tamil Nadu Municipal Corporations Engineering and Water Supply Subordinate Service Rules, 1996 as far as Junior Engineer and Assistant Engineer is concerned, the ratio for direct recruitment and for promotion is 3:1.

9. Whereas, the Respondents would contend that the petitioner at the time of promotion was serving as Technical Assistant since 2010 and he did not serve as Junior Engineer for a period of five years as prescribed in Rule 7 of Tamil Nadu Municipal Corporations Engineering and Water Supply Subordinate Service Rules, 1996 and was promoted to Assistant Engineer was incorrect. It was further stated that as no confirmation was received from the Government, the petitioner was demoted from the post of Assistant Engineer.

10. The learned counsel for the petitioner would state that even though the Tamil Nadu Municipal Corporations Engineering and Water



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Supply Subordinate Service Rules, 1996 provides for direct recruitments only for the post of Assistant Engineer, after the amendment was issued in G.O.Ms.No.59 dated 03.03.2016, includes transfer from service. He would further contend that the petitioner was allowed to work in the promoted post for three years. The petitioner possesses the B.E. Degree.

11. Upon perusal of the order of Commissioner of Salem Corporation dated 01.11.2021, in Na.Ka.No.C3/10260/2021, the petitioner, R.Anbazhagan whose name is figured in the list in the 4th place was promoted as Assistant Engineer from the post of Technical Assistant.

12. By order dated 20.01.2024, the Commissioner of Salem Corporation in Na.Ka.No.C3/10260/2021 cancelled the above said order and demoted him to the post of Technical Assistant.

13. On perusal of the cancellation order explicates that the Order was passed without hearing the petitioner.

14. Based on the aforestated discussions, this writ petition stands disposed of. In fine, (i) the impugned order dated 20.01.2024 stands quashed. (ii) The Respondent No.3 shall initiate proceedings afresh after



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issuing show cause notice to the petitioner by affording opportunity to put-forth his case and thereafter to pass suitable orders.

15. The petitioner may raise all the grounds and the respondents to consider the same in accordance with law and pass orders on merits.

16. The said exercise shall be completed preferably within a period of four months from the date of receipt of a copy of this Order. There is no order as to costs. Consequently, connected miscellaneous petitions if any stands closed.

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Index : Yes / No
Neutral Citation Case : Yes / No
Speaking Order / Non-Speaking Order
ssn

To

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



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2.The Director of Municipal Administration,
Chennai-600 028.

3.The Commissioner,
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Salem-636 001.



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R.KALAIMATHI, J.,

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