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WP No. 29550 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-07-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.P. No. 29550 of 2024

1. K.Dhamotharamoorthy
Junior Engineer,
Veerakkalpudur Town Panchayat,
Salem District.

2.P.Anbazzahan
Junior Engineer,
Konganapuram Town Panchayat,
Salem District

3.K.V. Baskaran
Junior Engineer,
Pethanaickenpalayam Town Panchayat,
Salem District.

4.R. Murali,
Junior Engineer,
Alangayam Town Panchayat,
Tirupattur District.

5.B.Saravanan
Junior Engineer,
Sendamangalam Town Panchayat,
Namakkal District.



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6.K. Kanagaraju

Junior Engineer,

Vedapatti Town Panchayat,

Coimbatore.

7.A. Senthil Kumar

Junior Engineer,

Zaminuthukuli Town Panchayat,

Coimbatore District

8.T. Muthu

Junior Engineer,

Thirumazhi Sai Town Panchayat,

Thiruvallur District.

9.M. Arunagiri

Junior Engineer,

Sankari Town Panchayat,

Salem District

10.M. Santhosh Kumar

Junior Engineer,

Uthiramerur Town Panchayat,

Kanchipuram District

11.K. Sambath Kumar

Junior Engineer,

Ethimadai Town Panchayat,

Head Office Coimbatore District

12.K. Gopi,

Junior Engineer,

Muthupettai Town Panchayat,

Thiruvarur District



13.N. Rajavel
Junior Engineer,
Avinashi Town Panchayat,
Tiruppur District,

14.A. Purusothaman
Junior Engineer,
Iragur Town Panchayat,
Coimbatore District.

15.K. Sakthivel
Junior Engineer,
Valappadi Town Panchayat,
Salem District

16.C.Sambanthamoorthy
Junior Engineer,anthiyur Town
Panchayat, Erode District.

17.R.Pugazhendi
Junior Engineer, O/o. Director Of Town
Panchayat, Chennai

18.R. Ganesh,
Junior Engineer, Derarshola Town
Panchayat, Nilgiris District

19.T. Vincent,
Junior Engineer,ketti Town Panchayat,
Nilgiris District

20.R. Kannan,
Junior Engineer, Kodumudi Town
Panchayat, Erode District.

Petitioner(s)



Vs

1. The State Of Tamil Nadu
Rep. By Its Principal Secretary To
Government, Municipal Administration
And Water Supply Department,
Secretariat, Chennai-600 009

2. The Director Of Town Panchayats,
Urban Administration Office Complex,
7th And 8th Floor, 75, Santhome High
Road, Raja Annamalaipuram,
Chennai 600 028

3. The Joint Director (General),
Directorate Of Town Panchayat,
M.C.R. Nagar, Chennai-600 028.

Respondent(s)

PRAYER: The Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to re-designate the petitioners in the post of Assistant Engineer from the date of promotion as Junior Engineer with all attendant service and monetary benefits in the light of Rule 3 of Tamil Nadu Panchayats Engineering Service Rules, 2022, within a time limit as may be stipulated by this Court.

For Petitioner(s): Mr.S.Thalaimutharasu

For Respondent(s): Mr.M.R.Gokul Krishnan
Additional Government Pleader
for R1 to R3



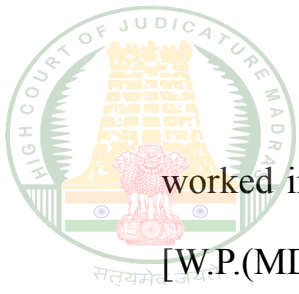
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ORDER**(Order of the Court was made by J.NISHA BANU, J.)**

This Writ Petition has been filed by the petitioners for issuance of a Writ of Mandamus directing the respondents to re-designate the petitioners in the post of Assistant Engineer from the date of promotion as Junior Engineer with all attendant service and monetary benefits in the light of Rule 3 of the Tamil Nadu Town Panchayats Engineering Service Rules, 2022.

2. Brief facts which led to the filing of the present writ petition are as follows:-

The petitioners were appointed as Technical Assistant as NMR in the third respondent's department. The Government had issued G.O.Ms.No.183, Municipal Administration and Water Supply (TP.1) Department, dated 19.09.2008 directing the Commissioner of Municipal Administration to absorb the Technical Assistants, who were working as NMR, into regular sanctioned posts of Work Inspectors. Pursuant to the proceedings of the third respondent dated 17.10.2008, the petitioners were absorbed in the post of Work Inspector and, on 4.3.2016, the petitioners were promoted as Overseer and then promoted as Junior Engineer on 29.10.2020 and the petitioners are holding the said post till date. While so, during the year 2013, when the petitioners were at the verge of their promotion to the post of Overseer, the Skilled Assistants, who were



worked in the Town Panchayat Department, had filed a batch of writ petitions [W.P.(MD) No.14372 of 2011 etc.] before the Madurai Bench of Madras High Court to revise the seniority and to include them in the promotional panel to the post of Overseer. This Court, by the order dated 08.10.2013, dismissed the writ petitions.

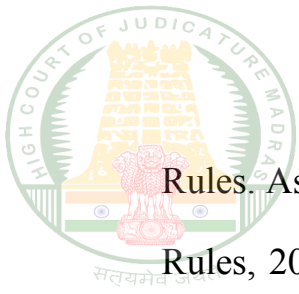
3. Challenging the order dated 8.10.2013, the Skilled Assistants have filed writ appeals [W.A.(MD) No.1136 of 2013 etc.], where a Division Bench posed a question as to whether the terms and conditions of the service of the appellants and the contesting respondents therein are governed by the Tamil Nadu Municipal Engineering Subordinate Service Rules, 1970 or not? The Division Bench, after considering the rival submissions of the parties, held that the Tamil Nadu Municipal Engineering Subordinate Service Rules, 1970 is not applicable to the employees working in the Town Panchayat and further directed the first respondent therein to consider the draft rules dated 15.3.2013 sent by the Director of Town Panchayat. However, the first respondent therein, namely, the Secretary to Government, without complying with the direction issued by this Court, as an interim measure, issued G.O.Ms.No.75 dated 5.2.2016 with certain guidelines for promotion to the post of Overseer and fixed a ratio of 5:1 from the feeder category.



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4. Pursuant to the issuance of G.O.Ms.No.75, dated 5.2.2016, the Commissioner of Municipal Administration, vide proceedings dated 3.3.2016, promoted the petitioners and the skilled persons worked in the department in the ratio of 5:1 and issued State-wise seniority list. The petitioners were under the legitimate expectation that they will be promoted as Junior Engineer/Assistant Engineer in the respondent department whenever the vacancy arises. But the Commissioner of Municipal Administration has deputed his employees in the post of Junior Engineer/Assistant Engineer without promoting the parent department employees. Challenging the said action of the Commissioner of Municipal Administration, the petitioners have filed W.P.(MD) No.23652 of 2019 and, by the order dated 27.11.2019, the said writ petition was allowed. Aggrieved by the same, the Government had filed W.A.(MD) No.145 of 2021 and the same is pending consideration. On 28.12.2022, the petitioners have submitted a representation to the third respondent to re-designate them to the post of Assistant Engineer and the said representation has not been considered till date. Hence, the writ petition.

5. The learned counsel for the petitioners submitted that, pursuant to the direction issued by this Court in W.A.(MD) No.1136 of 2013 etc. batch, the Government had framed Tamil Nadu Town Panchayats Engineering Service Rules and Tamil Nadu Town Panchayats Engineering Subordinate Service



Rules. As per Rule 3 of the Tamil Nadu Town Panchayats Engineering Service Rules, 2002, the petitioners have educational as well as other qualifications to hold the post of Assistant Engineer and the petitioners were under legitimate expectation that by following the Special Rules for Town Panchayats, they will ripe the benefit of promotional avenues. However, the respondent authorities have not extended the said benefit to the petitioners. In this regard, the petitioners have submitted representations individually under Rule 3 of the Tamil Nadu Panchayats Engineering Service Rules seeking to re-designate them as Assistant Engineer. Despite receipt of the said representations, the respondents have not passed any order till date. Hence, the learned counsel for the petitioner seeks appropriate direction to the respondents to re-designate the petitioners to the post of Assistant Engineer.

6. The learned Additional Government Pleader appearing for the respondents submitted that the 1st respondent is the authority competent to consider the representation of the petitioner.

7. In the instant case, the petitioners are seeking direction to the respondents to re-designate them to the post of Assistant Engineer from the date of promotion as Junior Assistant. It appears that before filing the writ petition, the petitioners have submitted representation individually on 28.12.2022 and the same have not been considered by the authority concerned till date.



8. Considering the facts and circumstances of the case and without going in to the merits of the matter, we direct the 1st respondent to consider and pass orders on the representations of the petitioners dated 28.12.2022 on merits and in accordance with law, after affording reasonable opportunity to all concerned, within a period of six weeks from the date of receipt of a copy of this order. No costs. W.M.P.No.32206 of 2024 filed by the petitioners to permit them to file a single writ petition is ordered, as the petitioners have paid separate court-fees.

(J.NISHA BANU J.) (M.JOTHIRAMAN J.)

11-07-2025

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To

1. The Principal Secretary To
Government, Municipal Administration
And Water Supply Department,
Secretariat, Chennai-600 009.

2.The Director Of Town Panchayats
Urban Administration Office Complex,
7th And 8th Floor, 75, Santhome High
Road, Raja Annamalaipuram,
Chennai-600 028.

3.The Joint Director (General),
Directorate Of Town Panchayat,
M.C.R. Nagar, Chennai-600 028



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