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W.P.Nos.30997 & 31005 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.30997 & 31005 of 2024 and
WMP.Nos.33606, 33607, 33610, 33611 of 2024, 9245, 9237,
36141, 36134 of 2025

WP.No.30997 of 2024

M.Senthil Kumar

... Petitioner

Vs.

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

2.The Director Of Town Panchayats,
Urban Administrative Building, 75, Santhome High Road,
Mrc Nagar, Raja Annamalaipuram, Chennai-600 028.

3.The Asst Director Of Panchayats,
Directorate Of Town Panchayats Office,
Udhagai Zone At Nilgris, Nilgris Collector's Office Campus,
Udhagai.

4. Shanmugam
5. V. Sri Balaji,
6. K. Mahendran
7. P. Illayaraj



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8. A. Murugesh

9. N. Tamilselvan

10.S. Siva Kumar

11.N. Isaivanan

12.A. Ramasamy

13.M.S. Sakthivel

14.A. Rengaraj

15.R. Kumtha

16.S. Muthukumaravel

17.S. Mohamed Ali Jinna

18.K. Vinoth Kumar

19.S. Masilamani

(R4 To R19 Impleaded Vide Order Dated 13.08.2025 Made In

Wmp.No.29751/2025 In Wp.30997/2024)

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to include the name of the petitioner in the Provisional Seniority list prepared by the 2nd respondent for the promotion of Work Inspectors to the post of Overseer in the Engineering Department of Town Panchayats after removing the term Notional absorption (regularization) in the Order passed by the 2nd respondent in Proceedings Na. Ka. No. 1634 / 2018 / A5 dated / 2018 / A5 dated 18.06.2024 and pay the salary and all benefits applicable to the petitioner from 06.06.2018, as per the Order passed in W.A. No. 2682 of 2018 dated 03.03.2023 confirming the Order passed in



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W.P.No. 27825 of 2011 dated 10.04.2018 and the consequent direction issued by the 1st respondent in Letter (efile) No. 9471 / TP.1 / 2023-1, dated 18.03.2024

For Petitioner : Mr.K.Selvakumar

For Respondents

For R1 to 3 : Mrs.Dakshayani Reddy,
Senior Counsel
for
Mr.C.Selvaraj,
Additional Government Pleader

For R4 to 19 : Mr.K.Gurunathan

WP.No.31005 of 2024

P.Sankar

... Petitioner

Vs.

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

2.The Director Of Town Panchayats,
Urban Administrative Building, 75, Santhome High Road,
Mrc Nagar, Raja Annamalaipuram, Chennai-600 028.

3.The Asst Director Of Panchayats,
Nagercoil Zone,
Kanyakumari District,



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Collectorate Campus,
Nagercoil,
Kanyakumari District

4. Shanmugam
5. V. Sri Balaji,
6. K. Mahendran
7. P. Illayaraj
8. A. Murugesh
9. N. Tamilselvan
10. S. Siva Kumar
11. N. Isaivanan
12. A. Ramasamy
13. M.S. Sakthivel
14. A. Rengaraj
15. R. Kumtha
16. S. Muthukumaravel
17. S. Mohamed Ali Jinna
18. K. Vinoth Kumar
19. S. Masilamani

(R4 To R19 Impleaded Vide Order Dated 13.08.2025 Made In
Wmp.No.29758/2025 In Wp.31005/2024) ... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to include the name of the petitioner in the Provisional Seniority list prepared by the 2nd respondent for the promotion of Work Inspectors to the post of Overseer in the Engineering Department of Town Panchayats after removing the term Notional absorption (regularization) in the Order



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passed by the 2nd respondent in Proceedings Na. Ka. No. 1634 / 2018 / A5 dated / 2018 / A5 dated 18.06.2024 and pay all benefits applicable to the petitioner as per the Order passed in W.A. No.2013 of 2019 dated 03.03.2023 confirming the Order passed in W.P.No. 27826 of 2011 dated 10.04.2018 and the consequent direction issued by the 1st respondent in Letter (efile) No. 9471 / TP.1 / 2023-1, dated 18.03.2024

For Petitioner : Mr.K.Selvakumar

For Respondents

For R1 to 3 : Mrs.Dakshayani Reddy,
Senior Counsel
Assisted by
Mr.C.Selvaraj,
Additional Government Pleader

For R4 to 19 : Mr.K.Gurunathan

COMMON ORDER

The writ petition in WP.No.30997 of 2024 has been filed for direction to the respondents to include the name of the petitioner in the Provisional Seniority list prepared by the 2nd respondent for the promotion of Work Inspectors to the post of Overseer in the Engineering Department of Town Panchayats after removing the term Notional



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absorption (regularization) in the Order passed by the 2nd respondent in Proceedings Na. Ka. No. 1634 / 2018 / A5 dated / 2018 / A5 dated 18.06.2024 and to pay the salary and all benefits applicable to the petitioner from 06.06.2018, as per the Order passed in W.A. No. 2682 of 2018 dated 03.03.2023 confirming the Order passed in W.P.No. 27825 of 2011 dated 10.04.2018 and the consequent direction issued by the 1st respondent in Letter (efile) No. 9471 / TP.1 / 2023-1, dated 18.03.2024. The writ petition in WP.No.31005 of 2024 has been filed for direction to the respondents to include the name of the petitioner in the Provisional Seniority list prepared by the 2nd respondent for the promotion of Work Inspectors to the post of Overseer in the Engineering Department of Town Panchayats after removing the term Notional absorption (regularization) in the Order passed by the 2nd respondent in Proceedings Na. Ka. No. 1634 / 2018 / A5 dated / 2018 / A5 dated 18.06.2024 and to pay all benefits applicable to the petitioner as per the Order passed in W.A. No.2013 of 2019 dated 03.03.2023 confirming the Order passed in W.P.No. 27826 of 2011 dated 10.04.2018 and the consequent direction issued by the 1st respondent in Letter (efile) No.



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2. The petitioners filed writ petitions in WP.Nos.27825 & 27826 of 2011 to regularise the services of the petitioners as Work Inspector in pursuant to sanction of posts in GO.Ms.No.93 dated 28.05.1998. The writ petitions were allowed by order dated 10.04.2018 and the same were confirmed by the Hon'ble Division Bench of this Court in WA.Nos.2682 of 2018 & 2013 of 2019 by order dated 03.03.2023. Thereafter the first respondent passed order dated 18.03.2025 directing the second respondent to absorb the petitioners in the post of Work Inspector with benefits of regularisation with effect from 06.06.2018. The first respondent also specified that 121 posts of Work Inspector have been newly created as per GO.Ms.No.23 Municipal Administration and Water Supply (TP1) Department dated 21.02.2024. The second respondent passed order dated 18.06.2018 and ordered that the petitioners' appointment is temporary and they are entitled for monetary benefits only from the date of joining. 32 persons who were similarly placed like the petitioners had been regularised in compliance



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with the order passed in GO.Ms.No.54 dated 23.05.2017. However, the petitioners were regularised in the post of Work Inspector only from 18.06.2024. Therefore the petitioners asked for promotion to the post of Overseer in the Engineering Department of Town Panchayat on par with their juniors. In view of the interim order passed by this Court to keep two posts of Overseer as vacant, and other juniors got promoted to the post of Overseer. In pursuant to the interim order passed by this Court, the second respondent said that the petitioners will be promoted to the post of Overseer on par with their juniors. Therefore, considering the said submission, this court directed the second respondent to file affidavit to that effect. Accordingly, today the second respondent filed common affidavit in both the writ petitions as follows:

1. I submit that the petitioner filed the writ petition seeking direction to include his name in provincial seniority list prepared for promotion of Work Inspector to the post of Overseer, after removing the Notional absorption in the order passed by the 2nd respondent in [Na.Ka.No. 1634/2018/A5](#), dated 18.06.2024 and pay all benefits applicable to him as per the order passed in [WA.No.2682/2018](#), dated 03.03.2023 and



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WP.No.27825/2011, dated 10.04.2018 and consequent direction issued by the 1st respondent in Letter (efile) No.9471/TP.1/2023-1, dated 18.03.2024.

2. I submit that Sec. 41 of the Government Servants Conditions of Service Act, 2016, makes declaration of probation mandatory for promotion, and the petitioners have joined duty on 12.07.2024 still not satisfactorily completed their probation, since they joined only in July 2024. It is submitted on satisfactory completion of probation the petitioners will be considered for promotion to the post of Overseer by reckoning their seniority as on 06.06.2018 on par with 32 others, who were considered for appointment to the post of Work Inspector as per G.O.54, Municipal Administration and Water Supply (TP.1) Department, dated. 23.05.2017. In this connection, it is pertinent to note that among above the 32 persons considered, only 23 persons were appointed as Work Inspector based on their eligibility.

3. I submit that the 2nd respondent herein, file this affidavit, in compliance to the direction of the Hon'ble High Court for giving undertaking to consider the petitioners for promotion to the post of Overseer, on satisfactory completion of probation, by reckoning their



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seniority as on 06.06.2018, on par with their immediate Juniors.

3. Thus it is clear that the petitioners will be promoted only after completion of their probation in the post of Work Inspector to the post of Overseer by reckoning their seniority as on 06.06.2018 on par with those 32 juniors who were already considered for appointment to the post of Work Inspector as per GO.Ms.No.54 Municipal Administration and Water Supply (TP.1) Department dated 23.05.2017. In pursuant to the said order, out of 32 persons, already 23 persons were appointed as Work Inspector based on their eligibility and subsequently they were promoted to the post of Overseer after completion of their two years probationary period.

4. In view of the above undertaking affidavit filed by the second respondent, it is made clear that after completion of probationary period, the second respondent shall promote them to the post of Overseer by reckoning their seniority as on 06.06.2018 on par with their immediate juniors.



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5. With the above direction, both the writ petitions are

disposed of. Consequently, connected miscellaneous petitions are closed.

There shall be no order as to costs.

29.10.2025

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order
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To

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

2.The Director Of Town Panchayats,
Urban Administrative Building, 75, Santhome High Road,
Mrc Nagar, Raja Annamalaipuram, Chennai-600 028.

3.The Asst Director Of Panchayats,
Directorate Of Town Panchayats Office,
Udhagai Zone At Nilgris, Nilgris Collector's Office Campus,
Udhagai.

4.The Asst Director Of Panchayats,
Nagercoil Zone,
Kanyakumari District,
Collectorate Campus,
Nagercoil,
Kanyakumari District



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G.K.ILANTHIRAIYAN, J.

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