



WEB COPY



W.P.No.31490 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2025

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.31490 of 2023
& WMP No.31121 of 2023

1.C.Pannerselvam

2.M.Viswanathan

3.M.Shanmugam

4.P.Anand

5.R.S.Senthilkumar

6.P.Viswanathan

7.N.R.Jayaseelan

... Petitioners

Versus

1.The State of Tamil Nadu

Rep. by its Principal Secretary,
Municipal Administration and Water
Supply Department, Secretariat,
Fort St. George, Chennai-600 009.

2.The Director of Town Panchayat,

Municipal Office Complex,
MRC Nagar, Raja Annamalaipuram,
Chennai-600 028.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorified Mandamus to call for the records relating to the impugned order of the 2nd respondent in Na.Ka.No.6563/2023/A3 dated 31.08.2023 and quash the same as illegal, consequently, direct the 1st respondent to promote the petitioners as promoted in similarly placed of employees.



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For Petitioners : Mr.N.S.Suganthan

For Respondents : Mr.R.Neelakandan,
Addl. Advocate General, Asst. by
Mr.C.Selvaraj, Addl. Govt. Pleader

ORDER

Seeking to quash the order of the 2nd respondent dated 31.08.2023, by which, promotion was refused to be given to the petitioners and to direct the 1st respondent to promote the petitioners on a par with similarly placed employees, the present writ petition is filed.

2.1. The petitioners were appointed as grassroot level employees such as sanitary workers, street light maintenance helpers, over tank operators and sanitary supervisors in various town panchayats in and around Erode District on various dates from 1998 to 2001. These appointments were made through the employment exchange on a consolidated pay basis, pursuant to G.O.Ms.No.199, Municipal Administration and Water Supply (TP.2) dated 12.08.1997, G.O.Ms.No.72, Municipal Administration and Water Supply Department dated 05.05.1998, G.O.Ms.No.84, Municipal Administration and Water Supply Department dated 21.05.1998 and G.O.Ms.No.198 Municipal Administration and Water Supply Department dated 16.10.1998.



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2.2. Following their appointment, the petitioners were not absorbed into regular service. Meanwhile, the first respondent, vide G.O.Ms.No.21 Municipal Administration and Water Supply (MC3) Department dated 23.02.2006, had regularised the services of 6,058 employees working on a consolidated pay/NMR(excluding Chennai) and absorbed 674 employees into permanent service with regular time scale of pay. Subsequently, the persons appointed through G.O.Ms.No.125, Municipal Administration and Water Supply Department dated 27.05.1999, were promoted to the posts of Junior Assistant, Bill Collector and Typist *vide* Government letter dated 02.09.2016. Challenging these promotions, the petitioners and similarly placed employees filed W.P.No.32218 of 2016 and this Court, by an order dated 19.01.2022, recording the submission of the learned Additional Government Pleader, closed the said writ petition.

2.3. Thereafter, some of the petitioners herein filed W.P.No.12807 of 2023, in which, *vide* order dated 25.04.2023, this Court disposed of the writ petition directing the authorities concerned to pass a reasoned order on merits and in accordance with law, after affording a personal hearing to the petitioners therein. Consequently, the petitioners submitted a representation on 28.08.2023. Pursuant to this, the second respondent passed the order dated 31.08.2023, rejecting the petitioners' claim on the ground that they did not fall under the purview of G.O.Ms.No.125 *supra*, despite the fact



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that the employees covered under the said Government Order were promoted as Junior Assistants/Bill Collectors. Therefore, the petitioners preferred an appeal before the 1st respondent on 05.09.2023. Pending appeal, the petitioners have filed the present writ petition.

3. Learned counsel for the petitioners would submit that in the earlier round of litigation in W.P.No.32218 of 2016, which was filed seeking promotion to the petitioners herein, the respondent had given an undertaking that the beneficiaries under G.O.Ms.No.125 dated 27.05.1999 supra will not be granted any service and monetary benefits over and above their seniors, who are the petitioners herein and recording the submissions of the learned Additional Government Pleader appearing for the respondents, the said writ petition was closed on 19.01.2022. He would further submit that the petitioners had given a representation on 24.02.2023 to the 2nd respondent and pending consideration of the same, they had filed W.P.No.12807 of 2023, in which, by an order dated 25.04.2023, this Court had directed the authority concerned to examine the petitioners' representation dated 24.02.2023 and dispose of the same on merits and in accordance with law and further directed the respondents to communicate the decision by 31.08.2023 by filing compliance report to the Registrar (Judicial) of this Court. The 2nd respondent, vide order dated 31.08.2023, has disposed of the



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said representation rejecting the request of the petitioners seeking promotion without taking into account the fact that the petitioners are also similarly placed to those who have been promoted to the post of Junior Assistant and Bill Collector. He would further submit that when the promotion opportunity of the petitioners is denied without following equality and the service rules as recorded in the said writ petition, the impugned order rejecting the representation of the petitioners is liable to be interfered with.

4. The learned Additional Advocate General appearing for the respondents would submit that the second respondent has considered the representation of the petitioners and rightly rejected the same on the ground that the petitioners are working in the Town Panchayats, which come under the purview of the Tamil Nadu Public Service Commission and hence, no interference is required and the writ petition has to be dismissed.

5. Heard the learned counsel appearing on either side and perused the records.

6. A perusal of the impugned order dated 31.08.2023 would clearly show that the representation of the petitioners was rejected only on the ground that the petitioners are working in various Town Panchayats in and



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around Erode District and therefore, they would come under the purview of the Tamil Nadu Public Service Commission. However, it is beyond cavil that the employees, who are the beneficiaries of G.O.Ms.No.125 supra, have been promoted to the post of Junior Assistant/Bill Collector in relevant Town Panchayats and hence, the petitioners, who are also similarly placed, are eligible for promotion to the post of Junior Assistant/Bill Collector. Further, when the respondents had given an undertaking before the Court in W.P.No.32218 of 2016, that the beneficiaries under the G.O.Ms.No.125 supra will not be granted any service and monetary benefits over and above their seniors, who are the petitioners herein and recording the said submission of the learned Additional Government Pleader appearing for the respondents, the said writ petition was closed on 19.01.2022, the second respondent ought to have followed the service rules and therefore, the rejection of the representation of the petitioners seeking promotion is in clear violation of service rules and therefore, the impugned order passed by the second respondent is liable to be set aside.

7. Accordingly, the impugned order dated 31.08.2023 is set aside and this writ petition is allowed. The matter is remitted to the 2nd respondent for re-considering the representation of the petitioners afresh on its own merits and in accordance with law within a period of eight weeks from the



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date of receipt of a copy of this order, taking into consideration the order

passed in W.P.No.32218 of 2016 dated 19.01.2022.

22.10.2025

raa

To

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

2.The Director of Town Panchayat,
Municipal Office Complex,
MRC Nagar, Raja Annamalaipuram,
Chennai-600 028.



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A.D.JAGADISH CHANDIRA,J.

raa

W.P.No.31490 of 2023

22.10.2025



W.P.No.31490 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

WP No. 31490 of 2023

1. C.Pannerselvam,
S/o.Chokkan, No. 6, A.D. Colony Street,
Olagadam(Post), Bhavani Taluk,
Erode District - 638 314.
2. M.Viswanathan,
S/o. S.Muthusamy, D.No. 174/74, Kannagi
Street, Bhavani Road, Perundurai - 638 052.
3. M.Shanmugam,
S/o. Marappan, Varanavasi Gounder Street,
Mathanaickenpalayam, Pethampalayam(Post),
Kanjikovil(Via), Erode District - 638 116.
4. P.Anand,
S/o. Periyasamy, No. 49, Elayampalayam,
Kovilpalaiyam Post, Kanjikoil(Via), Erode
District - 638 116.
5. R.S. Senthilkumar,
S/o. Sathasivam, 4/6, Thamarapalayam Main
Road, Panapalayam, Unjalur,
Erode District - 638 152.
6. P.Viswanathan,
S/o. Palanisamy, Chettythottam Pudur,
Valaithottam(Post), Sivagiri(Via),
Erode District -638 109.
7. N.R. Jayaseelan,
S/o.Ramasamy, 41, Thingaloor Main Road,
Nallampatti(Post), Thudupathi(Via),
Erode District - 638 057.



W.P.No.31490 of 2023
..Petitioners

Vs

1. The State of TamilNadu,
Rep. by its Principal Secretary,
Municipal Administration and Water Supply
Department, Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director of Town Panchayats,
Municipal Office Complex, MRC Nagar,
Raja Annamalaipuram, Chennai - 600 028.

..Respondent(s)

PRAYER:

This petition has been filed seeking for issuance of a Certiorarified Mandamus to call for the records relating to the impugned order of the 2nd respondent in Na.Ka.No.6563 / 2023 / A3 dated 31.08.2023 and quash the same as illegal, consequently direct the 1st respondent to promote the petitioners as promoted in similarly placed employees.

For Petitioner(s): M/s. N.S.Suganthan,

For Respondent(s): Mr.R.Neelakandan, AAG assisted by
Mr.C.Selvaraj, AGP

ORDER

This writ petition was allowed vide order dated 22.10.2025 and listed today, under the caption “for clarification”.

2.This Court, while setting aside the impugned order vide earlier order dated 22.10.2025 had remitted the matter back to the second respondent with a direction to reconsider the representation of the petitioner afresh on its own



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merits and in accordance with law. To be noted, this Court has not expressed any opinion with regard to the merits of the case and hence, the second respondent shall dispose of the representation of the petitioner within a period of eight weeks from the date of receipt of copy of the order.

2. Needless to state that in the event of the petitioner being aggrieved, they have an appeal remedy before the first respondent and the order dated 22.10.2025 needs no clarification.

18-02-2026

Neutral Citation: Yes/No

dn/raa

IT(17/03/2026)

To

1.The Principal Secretary,
Municipal Administration and Water Supply
Department, Secretariat, Fort St. George,
Chennai - 600 009.

2. The Director of Town Panchayats,
Municipal Office Complex, MRC Nagar,
Raja Annamalaipuram, Chennai - 600 028.



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