



W.P.No.35194 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.04.2025

Coram:

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.35194 of 2023

1. C.Muthu
2. V.Krishnan
3. C.Chandramohan
4. K.Govindaraj
5. D.Sithuraj
6. S.Chandar

...Petitioners

Vs.

1. The Secretary to Government of Tamil Nadu
Municipal Administration and Water Supply Department
Fort St. George Chennai – 600 009
2. The Commissioner for Municipal Administration,
No.71, Urban Administrative Building, Santhome High Road,
MRC Nagar, Raja Annamalaipuram
Chennai – 600 028
3. The Director of Town Panchayat,
8th Floor, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai – 600 028
4. The Collector,
Salem, Salem District
5. The Commissioner,
Edangannasalai 3rd Grade Municipality,
Sangagiri Taluk, Salem – 637 502

...Respondents



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Prayer:

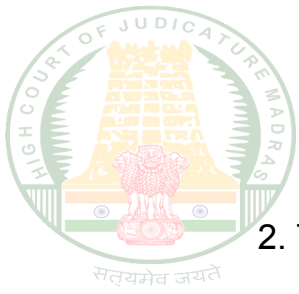
Writ Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to repatriate the petitioners from the 2nd respondent's department (Municipal Administration) to their parent department namely, Town Panchayat (3rd respondent) based on their willingness as well as the resolution dated 03.05.2023 passed by the 5th respondent council applying the same yardsticks applied in the cases of ministerial staffs such as Junior Assistants Bill Collector vide G.O.Ms.No.137 Municipal Administration and Water Supply Department dated 03.10.2022 by applying doctrine of equality.

For Petitioner : Mr.P.I.Thirumoorthy

For Respondents : Mr.M.Murali for R1 to R4.
Government Advocate
Mr.R.U.Dinesh Rajkumar for R5 and R6
Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition seeking for an issuance of a Writ of Mandamus directing the respondents 1 to 3 to repatriate the petitioners from the 2nd respondent's department (Municipal Administration) to their parent department namely, Town Panchayat (3rd respondent) based on their willingness as well as the resolution dated 03.05.2023 passed by the 5th respondent council applying the same yardsticks applied in the cases of ministerial staffs such as Junior Assistants Bill Collector vide G.O.Ms.No.137 Municipal Administration and Water Supply Department dated 03.10.2022 by applying doctrine of equality.



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2. The brief facts of the case, as averred by the petitioner, are as follows:-

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(i) The petitioners prior to the year 2021, were working for more than 20 years, as Water Supply Employees, Sweepers and Office Assistants in Edangannasalai Town Panchayat and hence the petitioners were kept under the control of Head of the Department, namely, Director of Town Panchayat/3rd respondent. Since the petitioners were low paid employees, they had no promotional opportunities in Town Panchayats. Considering the Town Panchayat Last Grade Employees Associations including Record Clerk Association's continuous representations to the Government, in the year 1998, the Government of Tamilnadu came forward to consider the long pending grievance of Town Panchayat last grade employees and issued G.O.Ms.No.150 MAWSS Department dated 19.08.1998, granting 20% posts for promotion to the categories of Bill Collector and Junior Assistants by way of recruitment by transfer as per common seniority prepared by the Collector from the eligible last grade employees working in Town panchayats.

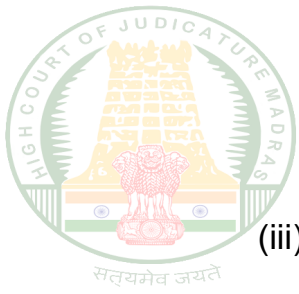
(ii) Pursuant to the said G.O., the 4th respondent has prepared the combined seniority list of Vellore district till the year 2022, from among eligible last grade employees of Town Panchayat in which the petitioners were also included in the seniority list of Vellore district. Promotions have been awarded



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applying 20% quotas to the posts arisen till the year 2017. In the meanwhile, the Edangannasalai Town Panchayat was upgraded by the 1st respondent as 3rd Grade Municipality vide G.O.Ms.No.117 MAWSS Department dated 07.12.2021, hence the petitioners were made as municipal employees with effect from the year 2022 onwards. Though the petitioners are placed in rank nos.162, 210, 236 and 256 in the seniority list as on 01.01.2020 prepared by the 4th respondent on 06.10.2020 vide his proceedings in Na.Ka.No.3223/2020/Phe2, the petitioners were excluded in the final common seniority list prepared by the 4th respondent on 26.12.2022, on the ground that, the petitioners are municipal employees, thereby, the petitioners have lost the eligible promotional opportunities.

(ii) Hence the petitioners have preferred a representation to the 1st respondent through the 5th respondent seeking to transfer from the 2nd and 5th respondents to the 3rd respondent and to avail promotion opportunities available in Town panchayats. The 5th respondent also passed the resolution in No.2 on 03.05.2023 permitting the petitioners to proceed for Town Panchayat and in view of the same, the petitioners would not be considered in the arising promotional posts in 5th respondent Municipality, hence the petitioners have been forced to lose the promotional opportunities both in town panchayat and municipality.



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(iii) In the identical circumstances, the Government permitted the ministerial staffs to return to their parent department of Town panchayats based on their willingness and proposal of the 3rd respondent vide G.O.Ms.No.137 MAWSS department dated 03.10.2022, but the 1st respondent did not take any action on the representation of the petitioners as well on as the resolution dated 03.05.2023, hence, this petition.

3. The learned counsel for the petitioners would submit that since the ministerial staffs were permitted to return to their parent department based on their willingness, the petitioners are also entitled to the same treatment applying the principles of doctrine of equality. Further, the learned counsel also pleaded that it would suffice if this Court directs the respondents to consider the representation of the petitioners.

4. The learned Government Advocate appearing for the respondents 1 to 4 and the learned Additional Government Pleader appearing for the respondents 5 and 6 seeks time to pass orders on the representation by considering the case of the petitioners.

5. Heard both sides and perused the documents placed on record carefully.



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6. Considering the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the claim of the petitioners to reparate them to the parent department, i.e., Town Panchayat, based on G.O.Ms.No.137 MAWSS Department dated 03.10.2022 and pass appropriate orders on the representation of the petitioner within a period of sixteen weeks from the date of receipt of a copy of the order.

7. In view of the above direction, the Writ Petition is disposed of. No costs.

01.04.2025

Index : Yes / No

Internet : Yes / No

Speaking Order / Non Speaking Order

ssd

To

1. The Secretary to Government of Tamil Nadu
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V.BHAVANI SUBBAROYAN, J.

ssd

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