

W.A(MD)Nos.999 & 1092 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED: 06.08.2025

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A(MD)Nos.999 & 1092 of 2024
and
C.M.P.(MD)Nos.7232, 8240, 7949 of 2024
& 3751 of 2025

W.A(MD)No.999 of 2024:

1.K.Sadasivam

2.S.Usharani

3.M.Muthumalini

4.R.Deepa Rathi

5.M.Maheswari

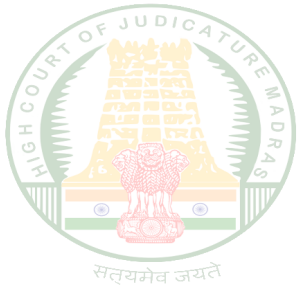
6.J.Rajeswari

... Appellants 1 to 6 /
Respondents 7 to 9,
Respondents 19 to 21

Vs.

1.The Commissioner,
Madurai Municipal Corporation,
Madurai.

... 1st Respondent /
1st Respondent



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WEB COURT

2.K.Babu

3.M.S.K.Pandiarajan

4.C.Sundarajan

5.A.Palanichamy

6.S.Rajagopal

7.S.Srinivasan

8.V.Karthikeyan

9.P.Mariammal

10.P.Meenambal

11.K.Selvaraj

12.D.Pitchaimani

13.B.Saravanan

14.R.Kathiresan

15.L.Asai Thambi

16.M.Sankar

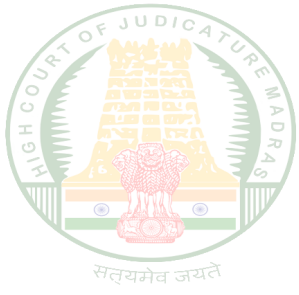
17.M.Mugunthan

18.M.Senthilkumar

19.A.Chakkaravarthi

20.K.Abirami

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21.P.Rajendran

22.M.Muthulakshmi

23.G.Navaneetha Krishnan

24.K.Arumugam

... Respondents 2 to 24 /
Petitioners 1 to 23

25.Sulthan Ameer

26.T.Jeyaraman

27.V.Arjunan

28.K.Venkatesan

29.D.Selvaraj

... Respondents 25 to 29 /
Respondents 2 to 6

30.M.Kannan

31.R.V.Kumaran Babu

32.M.Manimegalai

33.S.V.S.Ramachandran

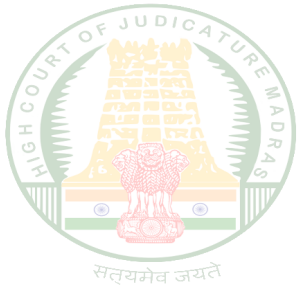
34.M.Muthukani Eswaran

35.C.Nagarajan

36.S.Chinnachamy

37.M.Thangapandi

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WEB COMP 38.E.Vanapetchi

... Respondents 30 to 38 /
Respondents 10 to 18

39.R.Selvi

40.T.Karthick

41.J.Merlin Joyes

42.V.Arockiya Jeyanthi

43.P.Baskaran

44.T.Raman

45.R.Latha

46.S.Kalieswari

47.B.Sargunam

48.S.Saraswathi

49.J.Mohanalakshmi

50.M.Rajkumar

51.S.Raja Mohammed

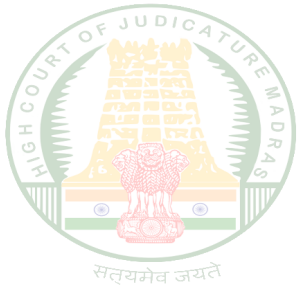
52.A.Muthumari

53.P.Hemalatha

54.A.Alagulakshmi

55.F.Asha

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56.P.Venisha Anthoni Jothi

... Respondents 39 to 56 /
Respondents 22 to 39

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 08.06.2023 made in the writ petition in W.P(MD)No.21896 of 2018.

For Appellants : Mr.S.Ramsundarvijayraj

For Respondents : Mr.S.Vinayak
Standing Counsel for R.1

Mr.B.Saravanan
Senior Counsel
for Mr.V.Balamurugan
for R.2 to R17 & R.20 to R.24

Mr.Issac Mohanlal
Senior Advocate
for R.33, R.41, R.45 to 47, R.49, R.50,
R.52, R.53 to R.55

W.A(MD)No.1092 of 2024:

The Commissioner,
Madurai Municipal Corporation,
Madurai.

... Appellant /
1st Respondent

Vs

1.K.Babu

2.M.S.K.Pandiarajan



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3.C.Sundarajan

4.A.Palanichamy

5.S.Rajagopal

6.S.Srinivasan

7.V.Karthikeyan

8.P.Mariammal

9.P.Meenambal

10.K.Selvaraj

11.D.Pitchaimani

12.B.Saravanan

13.R.Kathiresan

14.L.Asai Thambi

15.M.Sankar

16.M.Mugunthan

17.M.Senthilkumar

18.A.Chakkaravarthi

19.K.Abirami

20.P.Rajendran

21.M.Muthulakshmi



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22.G.Navaneetha Krishnan
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23.K.Arumugam

... Respondents 1 to 23 /
Writ Petitioners 1 to 23

24.Sulthan Ameer

25.T.Jeyaraman

26.V.Arjunan

27.K.Venkatesan

28.D.Selvaraj

29.K.Sadasivam

30.S.Usharani

31.M.Muthumalini

32.M.Kannan

33.R.V.Kumaran Babu

34.Manimegalai

35.S.V.S.Ramachandran

36.M.Muthukani Eswaran

37.C.Nagarajan

38.S.Chinnachamy

39.M.Thangapandi

40.E.Vanapechi

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41.R.Deepa Rathi

42.M.Maheswari

43.J.Rajeswari

44.R.Selvi

45.T.Karthick

46.J.Merlin Joyes

47.V.Arockiya Jeyanthi

48.P.Baskaran

49.T.Raman

50.R.Latha

51.S.Kalieswari

52.B.Sargunam

53.S.Saraswathi

54.J.Mohanalakshmi

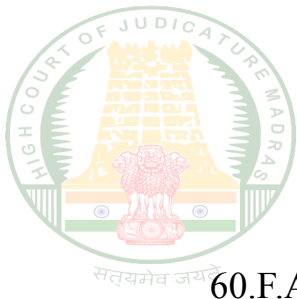
55.M.Rajkumar

56.S.Raja Mohamed

57.A.Muthumari

58.P.Hemalatha

59.A.Alagulakshmi



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60.F.Asha

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61.P.Venisha Anthoni Jothi

... Respondents 24 to 61 /
Respondents 2 to 39

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 08.06.2023 made in the writ petition in W.P(MD)No.21896 of 2018 and allow the Writ Appeal.

For Appellants : Mr.S.Vinayak

For Respondents : Mr.B.Saravanan
Senior Counsel
for Mr.V.Balamurugan
for R.1 to R16 & R.19 to R.23

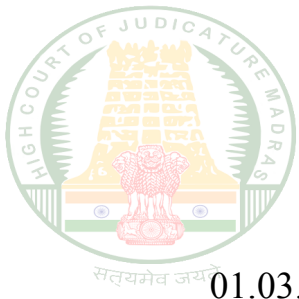
Mr.Issac Mohanlal
Senior Advocate
for R.35, R.46, R.48, R.50 to R.52,
R.54, R.55, R.57 to R.60

COMMON JUDGMENT

Heard both sides.

2.The petitioners in W.P(MD)No.21896 of 2018 are working as Tax Collectors in the Madurai Corporation. They challenge the seniority list dated 20.09.2018 issued by the Commissioner, Madurai Corporation. According to them, their seniority ought to have been reckoned from

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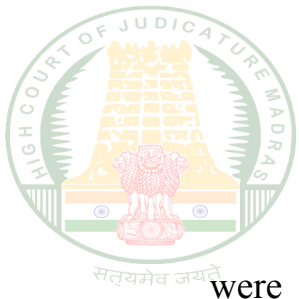
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01.03.2008 and not from 29.01.2015. The petitioners in W.P(MD)No. 857 of 2019 were holding the post of Junior Assistant in Madurai Corporation. They were promoted to the post of Assistant and subsequently vide order dated 03.01.2019 they were reverted to the post of Junior Assistant. The reversion order was put to challenge in W.P(MD)No.857 of 2019. Both the writ petitions were taken up together. W.P(MD)No.21896 of 2018 was allowed while in W.P(MD)No. 857 of 2019 the reversion order was sustained.

3.The learned Senior Counsel for the contesting parties as well as the learned Standing Counsel for the Madurai Corporation reiterated their respective contentions.

4.Assailing the common order dated 08.06.2023 whereby both the writ petitions were disposed of, these Writ Appeals have been filed. Except three, the remaining petitioners in W.P(MD)No.21896 of 2018 joined Madurai Corporation as unskilled workers. K.Babu, M.S.K.Pandiarajan and C.Sundarajan (petitioners 1 to 3 in W.P(MD)No. 21896 of 2018) joined Madurai Corporation as record clerks. All of them



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were appointed as Conservancy Inspectors by the Commissioner of Madurai Corporation vide proceedings dated 03.08.2005 and 06.09.2006.

The post of Conservancy Inspector falls under category 4 in group III of Tamil Nadu Municipal Corporations General Subordinate Service.

Group III comprises the following categories:

GROUP III

Category 1 - Junior Assitant-cum-Typist

Category 2 - Steno Typist

Category 3 - Tax Collector

Category 4 - Conservancy Inspector

The manner of appointment to the said posts is set out in the following table:

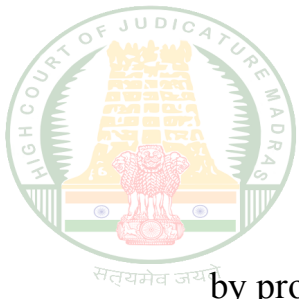
Junior Assistant-cum-Typist - (i) By direct recruitment; and

(ii) By promotion from the holders of the posts in category (1) in Group IV and in categories (1) and (3) in Group V of this service.

...

Conservancy Inspector - By transfer from the holders of the post of Junior Assistant – cum - Typist

5.A bare reading of the aforesaid Rule shows that the post of Junior Assistant cum Typist can be filled either by direct recruitment or

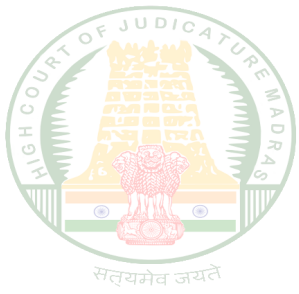


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by promotion from the holders of the posts in category 1 in Group IV and in categories 1 and 3 in Group V. On the other hand, the post of Conservancy Inspector can be filled up by transfer from the post of Junior Assistant cum Typist. In our view, while there can be migration from the post of Junior Assistant cum Typist to the post of Conservancy Inspector, the post of Junior Assistant cum Typist cannot be filled by a Conservancy Inspector even by transfer of service. The same principles applies in the case of a Tax Collector also. We therefore unable to concur with the view taken vide order dated 26.04.2013 in W.P(MD)No.6403 of 2006 that all the four categories of post in Group III are interchangeable.

6.Except K.Babu, M.S.K.Pandiarajan and C.Sundarajan, the other petitioners in W.P(MD)No.21896 of 2018 were reverted on deemed basis to the post of Record Clerk and posted as a Tax Collectors vide proceedings dated 24.01.2015. While preparing the seniority list, their seniority was reckoned with effect from 06.02.2015 and not with effect from 01.03.2008. To this effect, proceedings dated 20.09.2018 were issued by the Commissioner of Madurai Corporation.



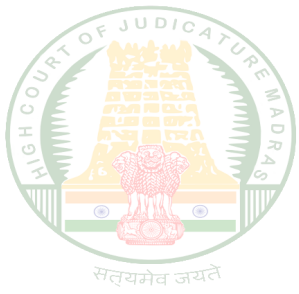
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7. When the aforesaid petitioners were appointed as Conservancy Inspectors on a substantive basis with effect from 01.03.2008, obviously their seniority must be reckoned only from the said date and not from any subsequent date. The mistake committed by the Madurai Corporation is bunching all the 4 categories together in a single combined seniority list. The fault lies not with the Commissioner of Madurai Corporation but in ruling rendered by this Court in W.P(MD)No.21896 of 2018. Since we have already held that such a view is untenable, we direct the Commissioner, Madurai Corporation to prepare separate seniority lists for each of the categories in Group III of Tamil Nadu Municipal Corporations General Subordinate Services. This shall be done as expeditiously as possible.

9. It is seen that the interim order was granted in W.P(MD)No. 21896 of 2018 on 25.10.2018. It reads as follows:

“The respondents are directed to promote the persons as per impugned order, but however taking into account, the appointment date of the petitioners as stated in Column No.10 of proceedings dated 29.01.2015. Notice returnable by 22.11.2018. Private notice also permitted.



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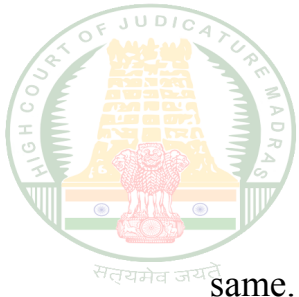


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Batta to be filed and despatched within five days, failing which, interim order will stand automatically vacated without reference to this Court. ”

10.In violation of the said interim order, promotion was granted in favour of the petitioners in W.P(MD)No.857 of 2019. When an interim order granted by this Court or by any Court is holding the field, no executive authority can be allowed to act in contravention of the same. Therefore, when a contempt petition was filed to undo the mischief earlier committed by them, the reversion order dated 20.09.2018 was issued. The learned single Judge rightly sustained the reversion order. We do not find any ground to reverse the said order.

11.Since the issue of promotion to the post of Assistant has been prominently raised in the said writ petition, we have to clarify that the authority is obliged to scrupulously follow the relevant service rules. It is seen that the post of Assistant is to be filled up by way of direct recruitment or by promotion from the holders of the post of Junior Assistant cum Typist. Neither the post of Conservancy Inspector nor the post of Tax Collector is figuring as a feeder grade. So long as the service remain as they are, it is not open to the employer to act contrary to the



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same. The order of the learned single Judge is interfered with to the extent mentioned above.

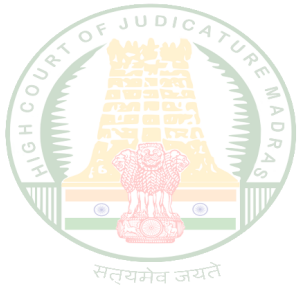
12.These Writ Appeals and C.M.P(MD)No.7949 of 2024 are disposed of accordingly. No costs. Consequently, C.M.P(MD)Nos.7232, 8240 & 3751 of 2025 are closed.

[G.R.S., J.] [K.R.S., J.]
06.08.2025

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
MGA/skm

To

The Commissioner,
Madurai Municipal Corporation,
Madurai.



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G.R.SWAMINATHAN, J

and

K.RAJASEKAR, J.

MGA/SKM

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