



WEB COPY

WP No. 7150 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 7150 of 2024
and W.M.P.Nos.8003 & 8004 of 2024**

P.Sumathi

..Petitioner(s)

Vs

1. The Commissioner,
Hosur City Municipal Corporation,
Krishnagiri District.
2. The Director of Municipal Administration,
No. 75, Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai - 600 028.
3. The Secretary to Government,
Municipal Administration and Water Supply
Department,
Fort St. George, Secretariat,
Chennai - 600 009.

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 1st Respondent issued in Na.Ka.No.10509/2023/C1 dated 11.10.2023 and the consequential order of the 1st Respondent issued in Na.Ka.No.10509/2023/C1 dated 01.03.2024 and QUASH the same and consequently and to direct the 1st respondent to promote the Petitioner as Assistant as per the original order of promotion dated 27.09.2023, with all service and monetary benefits.

For Petitioner(s) : Mr.S.Ramesh
for Mr.T.Ranganathan



For Respondent(s) : Mr.T.Balaji for R1
Mr.C.Selvaraj, AGP for R2 & R3

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ORDER

This writ petition is filed to call for the records relating to the impugned order of the 1st Respondent issued in Na.Ka.No.10509/2023/C1 dated 11.10.2023 and the consequential order of the 1st Respondent issued in Na.Ka.No.10509/2023/C1 dated 01.03.2024 and QUASH the same and consequently and to direct the 1st respondent to promote the Petitioner as Assistant as per the original order of promotion dated 27.09.2023, with all service and monetary benefits.

2. Learned counsel for the petitioner would submit that the petitioner is working as a Junior Assistant in Hosur City Municipal Corporation, wherein, the employees are governed by the Tamil Nadu Municipal Corporation Service Rules, 1996, issued in G.O.Ms.No.237, MAWS Department dated 26.09.1996. According to the said rules, the post of Assistant shall be filled up by way of promotion from the category of Junior Assistant. The petitioner having the qualification required for the post of Assistant and was within the zone of consideration, the first respondent has issued order in Na.Ka.No.10509/2023/C1 dated 27.09.1993 promoting the petitioner as Assistant with applicable scale of pay. However, the first respondent has *suo-motu* cancelled the promotion vide



order dated 11.10.2023 by wrongly advertence the provisions under the Tamil Nadu Urban Local Bodies Rules, 2023, which is not in force on the said date.

Based on it, the first respondent issued a charge memo to the petitioner under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955, for which she has submitted an explanation on 10.10.2023, however, she was imposed with a punishment of Censure on 28.10.2023. Thereafter, the first respondent issued order in Na.Ka.No.10509/2023/C1, dated 01.03.2024 and prepared the panel afresh leaving the petitioner for promotion to the post of Assistant. Hence, the petitioner has come forward with this writ petition.

3. Learned counsel for the first respondent would submit that the promotion of the petitioner and others to the post of Assistant was cancelled vide proceedings dated 11.10.2023, pursuant to which, the petitioner and others submitted representation to re-promote them as Assistant which was sent to the second respondent for suitable clarification, who in turn clarified that as Hosur and Sivakasi Municipalities are recently constituted as Municipal Corporations, directed to ascertain the educational qualification as well as possession of departmental test required for all the Junior Assistants/Typists/Revenue Assistants for consideration for promotion as Assistant and then promotion may be extended. Accordingly, the respondent's office proceedings dated 01.03.2024, a panel was drawn but the petitioner's name was not included as



she was awarded with a punishment of censure. Accordingly, he prays for dismissal of this writ petition.

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4. Heard the learned counsel on either side and perused the materials available on record.

5. According to the orders issued in G.O.(D) No.516, MAWS Department dated 02.09.2023, the said Tamil Nadu Urban Local Bodies Rules, 2023 has been kept in abeyance and the Government permitted all the Corporation Commissioners to fill up the vacancies that existed upto 13.04.2023, according to the rules that prevailed as on 15.03.2023 i.e., the old Tamil Nadu Municipal Corporations Service Rules, 1996 by issuing G.O.Ms.No.237, MAWS Department dated 26.09.1996. Further, it is to be pointed out that the Tamil Nadu Urban Local Bodies Act, 2023 is not applicable to the Municipal Corporation employees and it is only applicable to the employees working under the Urban Local Bodies, however the punishment of censure imposed on 28.10.2023 under the Urban Local Bodies Act cannot be enforced against the petitioner, since the promotion was granted prior to the imposition of punishment i.e., on 28.10.2023. Moreso, when the services of the petitioners are governed by the Tamil Nadu Municipal Corporation Service Rules. Hence, the impugned orders of the first respondent dated 11.10.2023 and the



consequential order dated 01.03.2024 are liable to be set aside and the same is hereby set aside.

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In the result, this writ petition stands allowed and the first respondent is directed to promote the petitioner as Assistant, as per the original order of promotion dated 27.09.1993, with all service and monetary benefits, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

18-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

VM

To:

1. The Commissioner,
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