IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2026

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.A.No.156 of 2026
and
C.M.P.No.1259 of 2026

1. The Director of Municipal Administration,
   Chepauk,
   Chennai – 600 005.

2. The Secretary to Government,
   Municipal Administration and
   Water Supply Department,
   Secretariat,
   Chennai – 600 009. ... Appellants

-Vs-

1. R.Govindaraj,
   Revenue Inspector,
   Ponnamallee Municipality,
   Poonamallee.

2. The Commissioner,
   Poonamallee Municipality,
   Poonamallee. ... Respondents

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 09.02.2023 in W.P.No.27284 of 2015.

For Appellants	:	Mr.R.Neelakandan Additional Advocate General assisted by Mr.C.Selvaraj Additional Government Pleader
For Respondents	:	Mr.T.Ranganathan for R1 Mr.R.A.Gopinath Standing Counsel for R2

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.)**

This intra-Court appeal has been directed against the order dated 09.02.2023 made in W.P.No.27284 of 2015.

2. The first respondent was the writ petitioner, who was appointed as Revenue Assistant on 29.10.1995 and had been working in that capacity. At one point of time, the Government in the year 1991, i.e., well prior to the appointment of the first respondent / writ petitioner, issued a Government Order in G.O.(Ms)No.264, Municipal Administration and Water Supply Department dated 18.09.1991, thereby the post of Revenue Assistant and Junior Assistant in the Municipal General Service are interchangeable, thereby both are brought

under the same pedestal and also become the feeder category for the next higher post, namely, Assistant.

3. In order to implement the said policy decision as reflected in G.O.(Ms)No.264 dated 18.09.1991, as a routine procedure, the relevant Rule, namely, the Tamil Nadu Municipal General Service Rules, 1970 has to be amended.

4. However, for making such an amendment, the Government took eight years and ultimately, the amendment has been issued by issuance of G.O.(Ms)No.222, Municipal Administration and Water Supply Department dated 30.09.1999.

5. Therefore, it was the stand taken by the employer Department that, only after issuance of G.O.(Ms)No.222 for making the amendment to the Rule enabling the Revenue Assistant and Junior Assistant in the Tamil Nadu Municipal General Service Rules as interchangeable service become a feeder category for the next higher promoted position, that is called Assistant and therefore, only after 30.09.1999, the *inter se* seniority between the Revenue

Assistant and Junior Assistant would be fixed and those who already become eligible to be considered for promotion by fixing *inter se* seniority prior to 30.09.1999 are not entitled to get *inter se* seniority by taking into account of their seniority in the respective posts as Revenue Assistant as well as Junior Assistant.

6. Because of this stand taken by the Department, *inter se* seniority had not been fixed among the Revenue Assistant and Junior Assistant, thereby, the first respondent / writ petitioner also being one of the Revenue Assistants, who was appointment in the year 1995 got affected.

7. Therefore, in order to fix *inter se* seniority correctly on the basis of G.O.(Ms)No.264 dated 18.09.1991 from the date of the initial appointment of the first respondent / writ petitioner in the year 1995 and accordingly, give the promotion to the next higher category, i.e., Assistant, when he had made a request to the appellant Department, the same was rejected through the order passed by the Director of Municipal Administration dated 27.07.2015, which triggered the first respondent / writ petitioner to challenge the same and to file the said writ petition.

8. In fact, along with the first respondent / writ petitioner, yet another employee, who is similarly situated also filed writ petition in W.P.No.25984 of 2015 and both the writ petitions were heard together and disposed of by the common order dated 09.02.2023 by the writ Court which is impugned herein.

9. It is the stand of the appellants as projected by Mr.R.Neelakandan, learned Additional Advocate General appearing for the appellants that, even though a policy decision had been taken to merge both the post of Revenue Assistant and Junior Assistant in the Tamil Nadu Municipal General Service, as both posts become interchangeable by virtue of G.O.(Ms)No.264, Municipal Administration and Water Supply Department dated 18.09.1991, the same cannot be implemented directly without the Rule, i.e., Tamil Nadu Municipal General Service Rules, 1970 is amended suitably.

10. He would also submit that, insofar as the post of Assistant is concerned, it is Class-V category for which the feeder category is Junior Assistant, i.e., Class-VII, whereas the first respondent / writ petitioner being a Revenue Assistant already been put under Class-IX which is not a feeder category for the post of Assistant at Class-V.

11. Therefore, merely because a decision has been taken by the Government to permit the Revenue Assistant as well as Junior Assistant who are in Class-IX as well as Class-VII categories in the said service, it would not *ipso facto* give raise to seek *inter se* seniority among them with effect from either 18.09.1991 or from the date of initial appointment insofar as these employees are concerned unless the Rule is amended.

12. Therefore, the learned Additional Advocate General would contend that, once the Rule is amended only with effect from 30.09.1999, by issuance of G.O.(Ms)No.222 of the Municipal Administration and Water Supply Department only prospectively and only from that date alone, such *inter se* seniority would be permissible among the Revenue Assistant as well as Junior Assistant and therefore, no *inter se* seniority for making them under feeder category for the post of Assistant can be claimed by the employees and therefore, such a plea raised by them having been considered was rejected by the Department, of course, correctly through the order impugned before the writ Court.

13. We have considered the said submissions made by Mr.R.Neelakandan, learned Additional Advocate General appearing for the appellants and also Mr.T.Ranganathan, learned counsel appearing for the first respondent / writ petitioner.

14. No doubt, originally, under the Rule, the post of Assistant was under Class-V for whom the feeder category is Junior Assistant, which is under Class-VII, whereas the post of Revenue Assistant is under Class-IX, therefore, the Class-IX cadre cannot be directly treated to be a feeder category for the post of Assistant under Class-V.

15. However, considering the qualification, nature of work etc., the Government, after careful consideration, has come forward to take a policy decision and issued a Government Order in G.O.(Ms)No.264 dated 18.09.1991 as stated *supra*. In the said Government Order, several decisions have been taken and one among the said decision is permissing these two categories, i.e., Revenue Assistant and Junior Assistant to be made interchangeable and the relevant portion of G.O.(Ms)No.264, Municipal Administration and Water Supply Department dated 18.09.1991 reads thus:

"8. That the nomenclature of Bill Collectors in Municipalities and Corporations be changed as Revenue Assistants and the posts of Revenue Assistants be made interchangeable, with those of Junior Assistants".

16. This of the decision taken by the Government has already been declared so by issuance of Government Order in G.O.(Ms)No.264 dated 18.09.1991. Therefore, the decision has to be implemented by the concerned Department for which proposal in fact had been sought for by the Government in the very G.O. itself.

17. However, in order to implement the same and to make an amendment to the Rule, the Department as well as the Government have taken eight long years and ultimately, the Rule got amended only on 30.09.1999.

18. If a decision is taken by the Government and simultaneously if the Rule is amended, no doubt, such an effect of the amendment would take place only from the date of amendment. But here in the case in hand, the decision was taken and it has been published by way of issuance of Government Order in the

year 1991 itself. Once the decision is taken and it had been published, it has come into effect and for making or enabling the decision taken by the Government to be implemented, the Rule has to be necessarily amended and it is a Ministerial Act to make the amendment by way of sub-ordinate legislation and such Ministerial Act can be taken at a later point of time, i.e., within a reasonable period of some days or weeks or months, but not for eight long years.

19. Such a long delay of eight years to make an amendment of the Rule to implement the decision taken by the Government as reflected in G.O.(Ms)No.264, which was published in the year 1991, cannot be attributable on the employees who are otherwise benefited to get the fruits of such amendment.

20. Therefore, for all practical purposes, the amendment made to the Rule by way of issuance of G.O.(Ms)No.222 dated 30.09.1999 shall only be construed as if it has come into effect from the date of issuance of G.O.(Ms)No.264 dated 18.09.1991.

21. Once the amendment has taken with effect from 18.09.1991, the post of Revenue Assistant and Junior Assistant since have become interchangeable one and the first respondent / writ petitioner since has been appointed as Revenue Assistant in the year 1995, no doubt, he would also be entitled to get the benefit of interchangeability and thereby, he would also eligible and entitled to get *inter se* seniority among the Revenue Assistant and Junior Assistant, who have been appointed along with the first respondent / writ petitioner.

22. Therefore, such benefit of *inter se* seniority cannot be denied to the first respondent / writ petitioner. Therefore, the plea raised in this regard by the first respondent / writ petitioner ought not to have been rejected by the Department through the impugned order dated 27.07.2015 before the writ Court, hence, the writ Court having considered all these aspects has rejected the said plea raised on behalf of the Government to sustain the said order of rejection dated 27.07.2015 and thereby, allowed the said writ petition to make *inter se* seniority between the Revenue Assistant and Junior Assistant like the first respondent / writ petitioner and accordingly, the benefit of promotion and other service benefits can be conferred on them on notional basis as they have already superannuated.

23. The said approach and the conclusion reached by the learned Judge through the impugned order is perfectly in tune with the aforestated legal position and factual matrix which we have discussed hereinabove.

24. Even after the order of the learned Judge which is impugned herein, this appeal has been belatedly filed after two years, therefore, at every stage, the delay caused only by the appellant Department or the Government and such delay in even doing Ministerial Act cannot be put against the employees as whose service benefits cannot be denied on the basis of the delayed action by the Department or Government as the case may be.

25. Hence, for the aforestated discussion and all these reasons which we have indicated hereinabove, we are not inclined to interfere with the order passed by the writ Court which is impugned herein. Since the first respondent / writ petitioner already superannuated, he is only entitled to get the service benefits as directed by the writ Court through the impugned order notionally, therefore, such notional benefits of promotion and consequential fixation of pay be made by the appellant Department and accordingly, his penionary benefits be calculated on the basis of the revised or re-fixed last drawn pay and the arrears

of pension shall be calculated and be paid to him and continue to pay till his lifetime by the appellant Department. The needful as indicated above shall be undertaken and complied with by the appellant Department within a period of eight weeks from the date of receipt of a copy of this judgment.

26. With all these directions, this Writ Appeal is dismissed. However, there shall be no order as to costs. Connected miscellaneous petition is closed.

(R.S.K., J.) **(S.S.A., J.)**
17.02.2026

NCC : Yes
Index : Yes
Speaking Order : Yes

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