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WP No. 9953 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

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THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 9953 of 2024

&

W.M.P.No. 10996 of 2024

N.Murugesan

..Petitioner(s)

Vs

1. The Director Of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road, Mrc Nagar, Raja
Annamalaipuram, Chennai -600028.

2. The Commissioner,
Salem Municipal Corporation,
Salem -636 001.

..respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India, seeking writ of mandamus, directing the 1st respondent to take action under Rule 193(3)(i) to (vii) of the Tamil Nadu Urban Local Bodies Rules, 2023 to promote the petitioner to the post of Administrative Officer in the 2nd respondent by including petitioner's name in the appropriate place in the promotion list w.e.f. 14.12.2023 as per GO(D) No. 679-dated 14.12.2023 issued by the Secretary to Government, Municipal Administration and Water Supply Department and also consider petitioner's representations dated 25.09.2023, 05.10.2023, 06.11.2023, 07.12.2023, 19.12.2023, 19.02.2024 and 21.03.2024.



For Petitioner(s): Ms.M.Adhishree

For respondent(s): Ms.Devi
Standing Counsel

ORDER

This writ petition is filed for the following relief:

“To direct the 1st respondent to take action under Rule 193(3)(i) to (vii) of the Tamil Nadu Urban Local Bodies Rules, 2023 to promote the petitioner to the post of Administrative Officer in the 2nd respondent by including petitioner’s name in the appropriate place in the promotion list w.e.f. 14.12.2023 as per GO(D) No. 679-dated 14.12.2023 issued by the Secretary to Government, Municipal Administration and Water Supply Department and also consider petitioner’s representations dated 25.09.2023, 05.10.2023, 06.11.2023, 07.12.2023, 19.12.2023, 19.02.2024 and 21.03.2024.”

2. The short facts required for disposing of this writ petition is herein below set out.



3. The petitioner was appointed to the post of Junior Assistant through compassionate appointment and was posted in the 2nd respondent corporation. His services were regularised and probation declared on 28.01.1996. Since then, the petitioner has been working with utmost sincerity and to the satisfaction of all concerned. Considering his merit and seniority, the petitioner was promoted to the post of Assistant Revenue Officer on 11.01.2018.

4. The steps which had been taken by the petitioner to augment revenue to the corporation had been appreciated every year. The next avenue of promotion was to the post of Administrative Officer and the same was under process as per GO(D).No.679 dated 14.12.2023, Municipal Administration and Water Supplies Department.

5. The petitioner would further submit that persons who were inimical with him had sent anonymous petitions against him, as a result of which the Vigilance and Anti Corruption Department, Salem Unit had registered a case in Crime No.10/AC/2023, against the petitioner and his wife for allegations that they had acquired assets disproportionate to their



known source of income between 01.01.2015 to 31.12.2021.

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6. The petitioner would submit that his wife was a Manager in a reputed hotel at Salem and his son is a Manager in a software company. They had sufficient known sources of income to acquire properties and the petitioner was ready to prove their source of income to the tune of Rs.2.32 Crores.

7. The petitioner would submit that once again an FIR in Cr.No.01/AC/2024 dated 29.01.2024 was filed against him under Section 7 (c) of the Prevention of Corruption Act. The second FIR alleged that the petitioner had intentionally collected lesser tax from certain assesseees, thereby causing loss to the tune of Rs.20,47,547/-. The petitioner would submit that the very allegation was absurd in as much as the petitioner was collecting tax as per the fixed assessment and the petitioner does not have any authority to refix or reduce the same.

8. The petitioner would submit that these two complaints have been deliberately filed with an ulterior motive to eliminate the petitioner's name from being included in the promotion panel. The petitioner would submit



that since he was due for promotion, even before preparation of promotion panel, he had submitted a representation dated 04.09.2023, requesting promotion.

9. The 2nd respondent had issued the promotion panel in which the petitioner's name was considered for promotion. Since the promotion did not come forward, the petitioner had been sending reminders to the 2nd respondent. However, to his shock and dismay, the 2nd respondent published promotion list dated 07.03.2024 without including the petitioner and promotions were granted to several persons, namely, Umamaheshwari, Kavitha, R.S.Revathi and they were also issued with the post.

10. It came to the light that his name was not considered on account of pendency of investigation in two FIRs. The petitioner would submit that a mere pendency of FIR is not an impediment to fetter the grant of promotion. The only ground on which the name could be withheld is if there is charge sheet framed under Section 17 (b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules or where charge sheet has been filed against the member in criminal case of official capacity.



11. In the case of the petitioner, it is only at the stage of FIR. Therefore, the petitioner is entitled to be included in the panel for promotion. Since his name was not considered, the petitioner has come forward to file this writ petition.

12. The 2nd respondent has filed a counter affidavit in which they would contend that since FIR was pending against the petitioner under the provisions of Corruption Act, they had requested the department of Vigilance and Anti Corruption to give their no objection for the same. However, they have not given their no objection.

13. The 2nd respondent would state as follows in paragraph No.5 of the counter affidavit:

“The said NOC is yet to be received and the same is pending consideration. In this regard, I submit that the respondent has already reserved one post of administrative officer vacant and waiting for the no objection certificate from the authority and receipt of the same the petitioner’s representation would be considered.”



14. They would further contend that the list of names of eligible candidates for promotion amongst the Junior Assistant, Assistant and Superintendent / Assistant Revenue Officer for promotion was selected through proceedings dated 06.03.2024, which has been published. In the said list, the petitioner's name stood at No.1. However, he could not be considered for promotion in the light of pendency of the complaint. The petitioner has himself submitted necessary details with reference to disproportionate assets.

15. They would further allege that since he had collected lesser tax while working as an Assistant Revenue Officer, Hasthampatty Ward for the years 2018 – 2019 and 2019 – 2020 without following the Government guidelines and rules the second FIR came to be filed. Therefore, he is not entitled to promotion.

16. Heard the learned counsels on the either side and perused the records.



17. A perusal of the records would show that on a crucial date when the promotion panel was being published and on the date of the release of the seniority list for candidates eligible for promotion there was no FIR pending against the petitioner. The first FIR had been prepared on 26.10.2023 and the second FIR on 29.01.2024. Therefore, there was no necessity for the petitioner to obtain no objection from the Vigilance and Anti Corruption Department. The respondents ought to have included him in the promotion panel for the year 2022 – 2023, with effect from 14.12.2023.

18. In view of the above, this writ petition is allowed and the 2nd respondent is directed to include the name of the petitioner in the appropriate place in the promotion list and thus render justice. Consequently, the connected miscellaneous petition is closed. No costs.

24-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To
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