



W.P. No.16805 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2026

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.16805 of 2024
and
W.M.P. No.18484 of 2024

1. Silambarasan

2.Thangadurai

3.T.Balakrishnan

4.J.Manickam

5.Palaniappan

6.C.Selvam

Petitioners

Vs

1. The Secretary to Government of
Tamil Nadu
Municipal Administration & Water Supply
Department
Fort St. George, Chennai-09.

2.The Director of Town Panchayat
No.7th and 8th Floor Urban Administrative
Building,
No.78, Santhome High Road, Chennai- 28.



W.P. No.16805 of 2024

3.The District Collector
Salem, Salem District.

4.The Executive Officer
Karuppur Town Panchayat, Salem District.

5.The Executive Officer
Poolampatty Town Panchayat, Salem
District.

6.The Executive Officer
Devur Town Panchayat, Salem District.

7.The Executive Officer
Kadayampatty Town Panchayat, Salem
District.

8.The Executive Officer
P.N.Patty Town Panchayat, Salem District.

9.The Executive Officer
Thedavur Town Panchayat, Salem District.

Respondents

*** Amended Prayer :** Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records relating to the rejection of the 2nd respondent dated 07.10.2024 issued in Na.Ka.No.7336/2021/A3 and quash the same and consequently to direct the respondent 1st and 2nd respondents to bring the petitioners under regular absorption in the category of Tractor / Mini/ Truck/ Van drivers from the date of their initial absorption into 4 to 9 respondents town panchayats with all attendant benefits.

* vide order dated 18.03.2025 in W.M.P. No.969 of 2025



W.P. No.16805 of 2024

For Petitioners : Mr.P.I. Thirumoorthy

For Respondents : Mr.R. Neelakandan
Addl. Advocate General
Assisted by
Mr.C. Selvaraj
Addl. Govt. Pleader for R1 to R4

Mr.S.V. Durai Solaimalai for R5
Mr. M.S. Premkumar for R6
Mr.T.M. Rajangam for RR7 to 9

ORDER

This writ petition has been filed to call for the records relating to the rejection of the 2nd respondent dated 07.10.2024 issued in Na.Ka.No.7336/2021/A3 and quash the same and consequently to direct the respondent 1st and 2nd respondents to bring the petitioners under regular absorption in the category of Tractor / Mini/ Truck/ Van drivers from the date of their initial absorption into 4 to 9 respondents town panchayats with all attendant benefits.

2. The case of the petitioners is that they have been continuously working for several years and their services are indispensable for operating the newly purchased vehicles for effective implementation of Solid Waste Management.

The respective Executive Officers of the Town Panchayats had submitted



W.P. No.16805 of 2024

proposals dated 27.08.2021 to the 2nd respondent recommending regularisation/creation of posts of Tractor Driver to enable absorption of the petitioners. However, no orders were passed on the said proposals. During pendency of the writ petition, the respondents filed an additional counter stating that the Joint Director of Town Panchayats had issued instructions to the Assistant Director not to fill up any posts. Subsequently, the 2nd respondent, by proceedings dated 07.10.2024, rejected the proposals submitted by the respective Town Panchayats. Hence, the prayer was amended to challenge the said proceedings.

3. Learned counsel for the petitioners submitted that the services of the petitioners are very much required by the respective Town Panchayats, particularly to operate the newly purchased vehicles for implementation of Solid Waste Management, and that respondents 4 to 9 have also sent recommendations to the 2nd respondent seeking sanction of posts of Tractor Driver to absorb the petitioners. However, the 2nd respondent without considering the recommendations had passed the impugned rejection order dated 07.10.2024, which is illegal and this Court may set aside the said rejection order. Also, he prayed for allowing of this writ petition by issuing appropriate directions to respondents.



4. Mr.R. Neelakandan, learned Additional Advocate General, assisted by learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that the petitioners were not appointed against any sanctioned posts and were engaged only on contract basis. He also submitted that the 2nd respondent is not empowered to sanction new posts without authorisation from the 1st respondent. However, he fairly submitted that the 1st respondent may be directed to consider the proposals submitted by the respective Town Panchayats and pass appropriate orders in accordance with law. In view of the above, he prayed for issuance of suitable directions to the 1st respondent.

5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. It is not in dispute that the petitioners are presently working on contract basis and that proposals have been submitted by respondents 4 to 9 seeking sanction of posts to enable their absorption. The issue relating to creation/sanction of posts falls within the domain of the 1st respondent.

7. Considering all, without expressing any opinion on the merits of the claim of the petitioners and without interfering with the proceedings of the 2nd respondent dated 07.10.2024, this Court directs the 1st respondent to consider



W.P. No.16805 of 2024

the proposals submitted by the 2nd respondent based on the recommendations of respondents 4 to 9, in favour of the petitioners 1 to 6, and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of with the above directions. No costs.

Consequently, connected miscellaneous petition is closed.

11.02.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
vsi2

- To
1. The Secretary to Government of
Tamil Nadu
Municipal Administration & Water Supply
Department
Fort St. George, Chennai-09.
 2. The Director of Town Panchayat
No.7th and 8th Floor Urban Administrative
Building,
No.78, Santhome High Road, Chennai- 28.
 3. The District Collector
Salem, Salem District.
 4. The Executive Officer
Karuppur Town Panchayat, Salem District.



W.P. No.16805 of 2024

5.The Executive Officer
Poolampatty Town Panchayat, Salem
District.

6.The Executive Officer
Devur Town Panchayat, Salem District.

7.The Executive Officer
Kadayampatty Town Panchayat, Salem
District.

8.The Executive Officer
P.N.Patty Town Panchayat, Salem District.

9.The Executive Officer
Thedavur Town Panchayat, Salem District.



WEB COPY



W.P. No.16805 of 2024

M.DHANDAPANI, J.

vsi2

W.P. No.16805 of 2024
and
W.M.P. No.18484 of 2024

11.02.2026