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W.P.No.24583 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	18.11.2025
Pronounced on	13.02.2026

CORAM

THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.No.24583 of 2017

G.Revathi

... Petitioner(s)

Vs.

1.The Principal Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai – 9.

2.The Director of Town Panchayats,
Kuralagam, Chennai – 108.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent in proceeding Na.Ka.No.15458/2016/A7 dated 23.02.2017 and quash the same and consequently, direct the respondents to promote the petitioner as Executive Officer Grade-II/Head Clerk/ Assistant, Executive Officer Grade-I and Executive Officer Selection Grade with effect from the date on which the petitioner's junior Mr.P.s.Saravanan got promotion as Executive Officer Grade – II/Head Clerk/Assistant and Executive Officer Grade – I, include the petitioner's name in the state level seniority list of Executive Officer Grade – II/Head Clerk/Assistant for the year 2007-08



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and in the seniority list of Executive Officer Grade – I in the year 2010-11 above Mr.P.S.Saravanan based on the date of her entry into the ministerial service with all monetary and other attendant benefits.

For Petitioner :Mr.N.Kolandaivelu

For Respondents :Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.C.Selvaraj
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceeding dated 23.02.2017 rejecting the petitioner's claim that she has to be given promotion as Executive Officer Grade – II/Head Clerk/Assistant and Executive Officer Grade – I with effect from the date on which her juniors got promotion, after including the petitioner's name in the State Level seniority list.

2. Briefly the facts of the case are as follows:

2.1. The petitioner was appointed as Bill Collector/Junior Assistant on compassionate ground in Panapakkam Town Panchayat, Vellore District on 24.11.1997. Her service was regularized from the date of her initial appointment vide the Government Order in G.O.(2D) No.47, Municipal Administration and Water Supply (TP-1) Department, dated 2/14



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03.10.2006. Her probation was declared with effect from 24.11.1999 vide

G.O.(D) No.322, Municipal Administration and Water Supply (TP-1)

Department, dated 29.07.2008.

2.2. The petitioner passed the departmental test in the year 2000 and according to her, she is qualified for promotion to the post of Executive Officer Grade-II/Assistant/Head Clerk in the year 2000 itself. However, she continued to work as Bill Collector/Junior Assistant for more than 20 years without any promotion.

2.3. The petitioner made several representations to the respondents stating that her juniors had been promoted as Assistants while her seniority was overlooked. She sought revision of her seniority and promotion on par with her juniors, including P.S.Saravanan.

2.4. The petitioner relies upon the case of P.S. Saravanan, who was appointed as Bill Collector on 19.01.1998. The petitioner was appointed in the Vellore District Unit, whereas P.S.Saravanan was appointed in the Dharmapuri District Unit. The said P.S.Saravanan was promoted as Assistant in the DTP Unit on 04.01.2005. Similarly, candidates appointed in the year 2000, namely R.Sangeetha, M.Malarmaran, and T.Saravanan,

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were promoted in the years 2006 and 2009.

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2.5. The petitioner received her first promotion on 01.09.2016 as Head Clerk (State Unit) in the panel for the year 2013–2014. Her second promotion was on 15.12.2019 as Executive Officer (Grade–I) in the panel for the year 2016–2017. Thereafter, she received her third promotion as Executive Officer (Selection Grade) in the panel for the year 2022–2023 on 01.08.2024. However, P.S. Saravanan, who is junior to the petitioner, received his first promotion on 04.01.2005 as Assistant (DTP Unit), his second promotion on 17.12.2013 as Executive Officer (Grade–I) in the panel for the year 2011–2012, his third promotion as Executive Officer (Selection Grade) on 17.06.2017 in the panel for the year 2015–2016, and his fourth promotion as Executive Officer (Special Grade) on 03.08.2024 in the panel for the year 2023–2024. Aggrieved by the same the petitioner submitted several representations. However, the respondents rejected her claim by the impugned proceedings dated 23.02.2017, against which the present writ petition has been filed.

3. Heard the learned counsel for the petitioner and the learned Additional Advocate General appearing on behalf of the respondents and

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perused the materials available on record.

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4.Learned counsel for the petitioner submitted that the petitioner seeks promotion on par with her juniors to the posts of Executive Officer Grade–II and Executive Officer Grade–I (Selection Grade), along with all monetary and other attendant benefits. He further submitted that for the higher posts of Selection Grade and Special Grade Executive Officer, the State was treated as the unit, whereas for the lower posts of Executive Officer Grade–I and Grade–II, the District was treated as the unit. This was in accordance with the Special Rules of the Tamil Nadu Town Panchayat Subordinate Service Rules. Since the said Rule was alleged to be discriminatory, O.A. No.2526 of 2019 and other cases were filed before the Tamil Nadu Administrative Tribunal. The Tribunal held that the date of entry into the post of Junior Assistant should be taken into account for further promotion to Special Grade Executive Officer. However, the feeder post of Junior Assistant/Bill Collector was not considered.

5. Subsequently, the petitioner raised objections pursuant to which a final seniority list was published including her name. Similarly, for the panel years 2012–2013, 2014–2015, and 2015–2016, a list was published



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on 24.02.2016 excluding the post of Junior Assistant and the petitioner's name was not found in the list. However, her name was included in the list prepared on 19.08.2016, and she was granted promotion as Head Clerk/Assistant/Executive Officer Grade-II prospectively. Aggrieved by the prospective nature of the promotion, the petitioner filed W.P.No.34919 of 2016 seeking retrospective promotion on par with her juniors, namely, P.S.Saravanan and others. In the said writ petition, this Court directed the respondents to consider the petitioner's grievance for promotion on par with her juniors. However, the impugned order came to be passed stating that the petitioner was not entitled to the promotion as claimed.

6. Per contra, the learned Additional Advocate General appearing for the respondents submitted that the impugned order sets out all the details regarding the promotions of the petitioner and others. The reason for declining promotion to the petitioner was that she was working in the Vellore District Unit, whereas P.S. Saravanan and others were working in different District Units under the Directorate of Town Panchayats. Hence, the petitioner's claim for promotion on par with her juniors was rejected.

7. Learned Additional Advocate General further submitted that the

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petitioner and P.S. Saravanan belong to different units of the Town Panchayat service and their promotions were granted in accordance with their respective units. Moreover, the promotions already granted cannot be disturbed or reverted in view of G.O.(Ms.) No.42, Municipal Administration and Water Supply Department, dated 18.04.2012, which clearly stipulates that promotions already effected shall not be disturbed.

8. In response, learned counsel for the petitioner submitted that the petitioner does not seek to stall or disturb the promotions of her juniors, including P.S. Saravanan, but only seeks promotion on par with them, though they were appointed in different units. In this regard, reliance was also placed on G.O.(Ms.) No.107, Municipal Administration and Water Supply (TP-1) Department, dated 22.11.2012.

9. It is apposite to extract G.O.(Ms.) No.107, dated 22.11.2012 hereunder:

“ORDER:

In Government Order first read above orders were issued framing Special Rules for the Tamil Nadu Town Panchayats Subordinate Service.



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2. In Government Order third read above necessary amendments were issued to the existing Special Rules for the Tamil Nadu Town Panchayats Subordinate Service, for bringing all the categories of Executive Officers of Town Panchayats under State Unit from the District Units, as per the orders of the Tamil Nadu Administrative Tribunal dated 25.04.1994.

3. In his letter read above, the Director of Town Panchayats has stated that as per the Special Rules for the Tamil Nadu Town Panchayats Subordinate Service, the posts of Junior Assistant / Bill Collector / Typist are the feeder categories for the posts of Assistant / Head clerk / Executive Officer Grade II. He has also stated that there are two feeder categories for the post of Executive Officer Grade-I in Town Panchayats i.e., Executive Officer-Grade II and Assistant / Head Clerk and for filling up of the posts in both of these feeder categories, persons are promoted from the posts of Junior Assistant / Bill collector / Typist (except for certain percentage of posts in the category of Executive Officer - Grade-II being directly recruited). As the post of Executive Officer Grade-II has already been brought under State unit, logically, for administrative purpose it is also advisable to bring the posts of Assistant/ Head Clerk also under State unit. This shall not only make the current cumbersome process of preparing seniority list and panel for promotion to the post of Executive Officer - Grade-I simpler and much faster but also will serve the



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principle of natural justice by following strict principle of seniority at State level for promotion from the posts of Assistant / Head Clerk to the post of Executive Officer - Grade -1. Since District is the unit at present for maintaining seniority of Assistants / Head Clerks, Junior Assistants, Bill collectors and Typists, the Junior Assistants / Bill collectors / Typists get faster promotion to the post of Assistant / Head Clerk in some district compared to their counterparts in other districts and consequently, they become senior in the higher post to their seniors in the lower posts in other districts and get promotion as Executive Officer Grade-I earlier than their seniors in other districts which has created lot of anomaly in the Town Panchayats department.

4. The Director of Town Panchayats has also stated that, as the posts of Junior Assistant, Bill Collector and Typist etc., are the entry level post, maintaining district level seniority will not make any material difference and shall not put any one to any undue advantage or disadvantage if the next higher, post like Executive Officer - Grade-II, or Assistant / Head Clerk are brought under state unit for the purpose of fixing the seniority for promotion. **The number of year's spent by the Junior Assistant / Bill Collector / Typist in the service of the Town Panchayat irrespective of the District unit they belong to, will be taken into consideration.**

(Emphasis

supplied)



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5. In view of the above, the Director of Town Panchayats has requested to bring the posts of Assistant / Head Clerk in Town Panchayat Department into, State Unit from the District Unit and to issue necessary amendment to the Special Rules for Tamil Nadu Ministerial Service to that effect.

6. The Tamil Nadu Public Service Commission also concurred for the proposal to bring the posts of Assistant / Head Clerk in Town Panchayats in to State unit from the District unit with effect from 07.05.1981.

7. The Government after careful examination, has decided to accept the proposal of the Director of Town Panchayats in para 5 above and order that the posts of Assistant / Head Clerk be brought under the State unit with effect from 07.05.1981. Necessary amendment to the Special Rules for the Tamil Nadu Ministerial Service will be issued by the Government in Personnel and Administrative Reforms Department, separately.”

10. A perusal of the relevant Government Order makes it clear that the number of years spent by a Junior Assistant/Bill Collector/Typist in the service of the Town Panchayat shall be taken into consideration for the purpose of promotion, irrespective of the District Unit to which such employee belongs. In the present case, the petitioner was appointed as

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Junior Assistant on 24.11.1997 and has continuously served in the Town Panchayat service. Therefore, in view of G.O.(Ms.) No.107, the entire period of service rendered by the petitioner in the said cadre ought to have been taken into account for the purpose of considering her promotion, irrespective of the fact that she belonged to the Vellore District Unit.

11. Accordingly, this Court is of the considered view that the petitioner is entitled to promotion on par with her junior, P.S.Saravanan, in the respective promotional posts from the dates on which he was promoted. Therefore, the impugned proceeding is liable to be set aside and accordingly, the impugned proceeding dated 23.02.2017 is hereby set aside. Consequently, the respondents are directed to grant promotion to the petitioner on par with her junior, P.S.Saravanan, by appropriately refixing her seniority and promotional dates. It is needless to state that all consequential monetary and attendant benefits arising therefrom shall be paid to the petitioner.

12. In the result, the writ petition stands allowed on the above terms. There shall be no order as to costs.



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To

1.The Principal Secretary to Government of Tamil Nadu,
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2.The Director of Town Panchayats,
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