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W.A.(MD)NO.1320 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2026

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MRS.JUSTICE R.POORNIMA

W.A.(MD)Nos.1320 & 1326 of 2024 AND

C.M.P.(MD)Nos.10314 &10387 of 2024

W.A.(MD)No.1320 of 2024

The Commissioner,
Madurai Corporation,
Corporation Buildings,
Madurai.

... Appellant /2nd Respondent

Vs.

1. P.Mohan

... 1st Respondent/ Petitioner

2. State of Tamil Nadu,

Rep. By its Principal Secretary,

Department of Municipal Administration and Water Supply,

Fort St. George,

Chennai -9.

... 2nd Respondent / 1st Respondent

3. M.Paramasivam

4. M.Senthil Kumar

5. B.Kalimuthupandian

(R-3 to R-5 are impleaded vide order dated 25.07.2025
made in C.M.P.(MD)Nos.12015 and 12016 of 2025)

Prayer: Writ appeal filed under Clause 15 of the Letters Patent Act, to set aside the order dated 27.06.2023 made in W.P.(MD) No.4214 of 2018 on the file of this Court by allowing this writ appeal.



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W.A.(MD)NO.1320 OF 2024

For Appellant : Mr.S.Vinayak,
Standing counsel.

For Respondents : Mr.S.Karthik,
for M/s.Roy & Roy Associates for R-1.

Mr.S.Vinoth,
Government Advocate for R-2.

Mr.S.Karthik Ram Kumar for R-3 & R-4.

* * *

W.A.(MD)No.1326 of 2024

The Commissioner,
Madurai Corporation,
Corporation Buildings,
Madurai.

... Appellant /2nd Respondent

Vs.

1. P.Mohan

... 1st Respondent/ Petitioner

2. State of Tamil Nadu,
Rep. By its Principal Secretary,
Department of Municipal Administration,
Fort St. George,
Chennai -9.

... 2nd Respondent / 1st Respondent

3. M.Paramasivam

4. M.Senthil Kumar

5. B.Kalimuthupandian

(R-3 to R-5 are impleaded vide order dated 25.07.2025
made in C.M.P.(MD)Nos.12015 and 12016 of 2025)



Prayer: Writ appeal filed under Clause 15 of the Letters Patent Act, to set aside the order dated 27.06.2023 made in W.P.(MD) No.14515 of 2016 on the file of this Court by allowing this writ appeal.

For Appellant : Mr.S.Vinayak,
Standing counsel.

For Respondents : Mr.S.Karthik,
for M/s.Roy & Roy Associates for R-1.

Mr.S.Vinoth,
Government Advocate for R-2.

Mr.S.Karthik Ram Kumar for R-3 & R-4.

* * *

COMMON JUDGMENT

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

The Commissioner, Madurai Corporation has filed these writ appeals challenging the common order dated 27.06.2023 made in W.P.(MD)Nos.4214 of 2018 and 14515 of 2016. The writ petitions were filed by one P.Mohan. Mohan was appointed as Office Assistant in 1996. The post of Office Assistant is a Class IV Category I Post in Tamil Nadu Municipal Corporations Basic Service. The next promotional post is that of Record Assistant. For a person to be promoted to the said post, one must have worked in Post IV of



Corporation Basic Service for a period of five years. He should also have possessed pass in 10th standard/Matriculation Examination.

Since the Office Assistants were stagnating and could not be promoted as Record Assistants owing to want of vacancies, some 14 of them including Thiru.Mohan were promoted as Conservancy Supervisors vide order dated 31.10.2006. Since this promotion was made de hors the rules, proposal was submitted to the Government seeking ratification and relaxation. The Government vide letter dated 09.12.2013 rejected the proposal. As a result, the promotees including Thiru.Mohan were reverted as Office Assistants vide proceedings dated 25.07.2016 issued by the Commissioner, Madurai Corporation. The order passed by the Government was put to challenge in WP(MD)No.4214 of 2018. The order of reversion passed by the Commissioner, Madurai Corporation was put to challenge in W.P.(MD)No.14515 of 2016. The writ petitioner pointed out that persons who were junior to him had been promoted as Record Assistants. Taking note of all these aspects, the learned Single Judge vide order dated 27.06.2023 disposed of the writ petitions in the following terms:-



“7. After hearing the rival submissions of both the parties, this Court has perused the affidavit of the petitioner as well as the counter filed by the respondents. A specific contention was raised by the petitioner is that through Resolution No.183, dated 06.07.2005, a decision was taken by the respondents to ratify the appointments of the juniors in the post of Conservancy Inspectors by relaxing the educational qualification. Only after passing such resolution, the seniority list which was prepared vide proceedings dated 14.11.2002 was disturbed. If the respondents had followed the said seniority list without the Resolution No.183, the present issue would not have arisen. In the seniority list, the petitioner was kept under Serial No.126. Based on the Seniority List, until 86 persons was promoted as Record Clerk. Since the respondents failed to follow the said seniority list, the petitioner is still in the list without any promotion, but his juniors were over riding the petitioner.

8. Therefore, this Court is of the considered opinion that the respondents should follow the seniority list dated 04.11.2002, there cannot be any deviation from the said senior list. If any person is granted any promotion dehors the seniority list,



then they will not have any right to sustain in the said post. The respondents are directed to reconsider the petitioner case and grant promotion to the petitioner. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.”

2. Aggrieved by the same, these writ appeals have been filed by the Madurai Corporation.

3. There is considerable merit in the submission of the learned Standing Counsel for Madurai Corporation that without setting aside the orders impugned in the writ petitions, relief could not have been straightaway granted to the writ petitioner. He is also right in his contention that there are many more seniors above Thiru.Mohan in the post of Office Assistant and that therefore, Thiru.Mohan alone could not have been promoted as Record Assistant by overlooking their seniority. Therefore, we set aside the order of the learned Single Judge.



4.At the same time, we cannot ignore the stand taken by the writ petitioner. Admittedly, Thiru.Mohan was appointed as Office Assistant in the year 1996 itself. Thiru.Paramasivam who has been impleaded as a party to the proceedings was appointed as unskilled worker only in the year 1999. As per the recruitment rules, to be appointed as Office Assistant, one must pass 10th standard. But the qualification prescribed for the post of unskilled worker is that he must possess the ability to read and write Tamil. The posts of office assistant, unskilled worker, sanitary worker, cleaner and watchman fall under what is known as Class IV of Basic Service. The post of Record Assistant can be filled up by promotion from the holders of Posts of Class IV employees of Corporation Basic Service. The Tamil Nadu Municipal Corporations General Subordinate Service Rules, 1996 does not prescribe any ratio. In other words, no specific percentage of vacancies in the promotion post is earmarked for the respective Class IV posts in the feeder grade. All the posts in Class IV Basic Service are on the same footing. When no quota is earmarked in the matter of promotion, a single consolidated seniority list must be maintained in respect of the persons working in the feeder grade posts. But such a list was not maintained. Promotions had been



made arbitrarily. When Mohan who was appointed in the year 1996, continues to be in the same post for 30 long years and he is due to retire shortly, persons appointed as unskilled workers in 1999 had been promoted to the post of Record Assistant. This is a grave travesty of justice. No doubt, selection grade and special grade was conferred on Mohan. But that is no consolation. Paramasivam might have been an unskilled worker and not an Office Assistant. But Paramasivam was appointed three years later. He had stolen a march over Mohan and the corporation authorities are responsible for this. If ratio had been prescribed for the post of Record Assistant, then a separate seniority list could have been maintained. Since no such ratio has been prescribed, the authorities were completely wrong in promoting Paramasivam who joined as unskilled worker in the year 1999 by overlooking claim of the persons who were appointed as office assistants much earlier. Since Paramasivam's promotion has not been challenged, the question of reverting Paramasivam does not arise. Mohan cannot be promoted because there are seniors to him. At the same time, Mohan has a claim against the employer because his junior has been illegally promoted. Therefore, even though we have to allow the writ appeals filed by the Corporation and set aside



the order of the learned single Judge, we deem it fit to award a sum of Rs.1 Lakh (Rupees One Lakh only) as ex-gratia to the writ petitioner.

The Corporation shall pay the same while settling the terminal benefits of the writ petitioner.

5.These writ appeals are allowed accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R.POORNIMA, J.)
27th March 2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

PMU

To:

The Principal Secretary,
Department of Municipal Administration,
Fort St. George,
Chennai -9.



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W.A.(MD)NO.1320 OF 2024

G.R.SWAMINATHAN, J.

AND

R.POORNIMA, J.

PMU

W.A.(MD)No.1320 of 2024

27.03.2026