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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.03.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**
AND

THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

WA.(MD)No.3282 of 2025

and

CMP.(MD)No.20543 of 2025

Rahmath Begam

... Appellant

Vs.

1.The State of Tamil Nadu
Rep.by its Principal Secretary to Government
Revenue Administration &
Disaster Management Department,
Revenue Department,
Fort St.George, Chennai-600009.

2.The Additional Chief Secretary/
Commissioner of Revenue Administration,
Revenue Administration and
Disaster Management Department,
Ezhilagam, Chennai-600005.

3.The District Collector,
Tirunelveli,
Tirunelveli District.

4.The District Revenue Officer,
Tirunelveli,
Tirunelveli District.



5.A.Aneez Fathima

... Respondents

PRAYER:- Writ Appeal filed under Clause 15 of the Letter Patent Act praying to set aside the order passed by this Court in WP.(MD)No.5667 of 2024 dated 30.10.2024.

For Appellant	: Mr.C.M.Arumugam
For R1 to R4	: Mr.S.P.Maharajan, Special Government Pleader
For R5	: Mr.Mohammed Zamil, for M/S.Ajmal Associates

JUDGMENT

(Judgment of the Court was made by **M.JOTHIRAMAN, J.**)

Under assail is the order passed in WP.(MD)No.5667 of 2024 dated 30.10.2024.

2.The writ petitioner/A.Aneez Fathima has filed the above said writ petition challenging the order passed by the third respondent / District Collector, Tirunelveli wherein a combined interse seniority among the assistants working in Tirunelveli District, which has been published on 21.11.2017. She has also challenged the order passed by

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the fourth respondent / District Revenue Officer, Tirunelveli, dated 09.10.2023 wherein a combined seniority list published by the third respondent on 21.11.2017 has been revised based on the Tamil Nadu Public Service Commission merit ranking, pursuant to the orders of the Hon'ble Supreme Court. The learned Writ Court allowed the writ petition and directed the respondent to assign seniority and rank to the fifth respondent/Rahmath Begam therein in Tirunelveli District taking into consideration the date of joining of one Karpagam on 10.07.2013. Aggrieved over the same, the fifth respondent/Rahmath Begam has preferred the present writ appeal.

3.The learned counsel appearing for the appellant would submit that the order of the Writ Court is against the law and in violation of Rule 20(b)(i) of the Tamil Nadu Ministerial Service Rules, since the appellant is admittedly senior to the said Karpagam as per their respective dates of joining duty on 06.12.2012 and 10.11.2013. However, the said Karpagam had secured rank No.19 in the revised TNPSC merit list for the year 2011-2013, whereas, the 5th respondent/writ petitioner had secured rank No.28 in the merit selection list of the year 2011-2013. If the 5th respondent/writ petitioner claimed seniority on the basis of the date of



joining of duty at the time of appointment, then she should have challenged the TNPSC seniority merit seniority list of the 2011-2013 immediately; if not she is not entitled to claim seniority based on her date of joining duty which is against the said Rules. The order of the Writ Court is based on the wrong application of the Rule 20(b)(i) of the Tamil Nadu Ministerial Service Rules and the same is liable to be set aside.

4.Per contra, the learned counsel appearing 5th respondent/ writ petitioner would submit that the appellant transferred from Virudhunagar District to Tirunelveli District she would lose her seniority and she should have been placed below the writ petitioner. Though the appellant would be entitled to take the place of Karpagam, the said place has to be decided only on the date of joining of Karpagam, ie., 10.07.2013 and not based upon the TNPSC rank obtained by the said Karpagam. Though the said Karpagam had joined seven months after her appointment in Tirunelveli District, she was placed ahead of the writ petitioner only on the basis of the her TNPSC rank. The rank obtained by the said Karpagam cannot be taken advantage by the appellant by relying upon Rule 20(b)(i) of the Tamil Nadu Ministerial Service Rules. The writ Court rightly allowed the writ petition by applying the Rule 20(b)(i) of



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the Tamil Nadu Ministerial Service Rules and there is no reason warrants to interfere with the order passed by the Writ Court. Further, the learned counsel appearing for the fifth respondent to strengthen his contentions, he has relied upon the judgment of the Hon'ble Supreme Court reported in (2006) 5 SCC 386, K.P.Sudhakaran and another Vs. State of Kerala and others to show that if a Government servant is so transferred on his own request, the transferred employee will have to forego his seniority till the date of transfer and will be placed at the bottom below the junior most employee in the category in the new cadre or department.

5.The learned Special Government Pleader appearing for the respondents 1 to 4 would submit that in the case of mutual transfer, the senior among them had to be given the same rank in the department unit to which he or she is transferred, which was held by a person in whose place he (or) she comes to that department unit. Between Karpagam and the appellant, the appellant is senior. Therefore, the appellant should be allotted to the place of Karpagam as per Rule 20(b)(i) of the Tamil Nadu Ministerial Service Rules.



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6. We have considered the submissions made on either side and perused the records carefully.

7. It is not in dispute that between Karpagam and the appellant, admittedly the appellant is senior and when the appellant was transferred from Virudhungan District to Tirunelveli District, she has been allotted the rank of Karpagam, whereas, the said Karpagam would have taken the rank in Virudhungan District based upon her date of entry into service, i.e., 10.07.2013. The seniority of the beneficiaries of the mutual transfer has been fixed based upon their date of joining in their initial appointed unit. It is seen from the records that though the said Karpagam joined Tirunelveli District only on 10.07.2013, she was placed ahead of the writ petitioner solely on the basis of her TNPSC merit rank. When the appellant entered Tirunelveli District, she cannot take away the merit seniority provided under TNPSC examination of Karpagam and could not be placed ahead of the writ petitioner. The Rule 20(b)(i) of the Tamil Nadu Ministerial Service Rules is applicable only in cases where the seniority has been assigned to the beneficiaries of the mutual transfer in their respective units based upon their date of first appointment in the service. When the rank of one of them is not based upon their first



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appointment to service, but based upon their TNPSC rank, the above said Rule cannot be applied.

8.The learned Writ Court held that the appellant is transferred from Virudhunagar District to Tirunelveli District in the year 2015 she has not lost her seniority in the transferred place, but has gained seniority over and above the writ petitioner. If such an interpretation is given to Rule 20(b)(i) of the Tamil Nadu Ministerial Service Rules, then it would amount to permitting the fifth respondent to usurp TNPSC rank of Karpagam which was not the legislative intent of the said Rule. Therefore, we are of the view that the learned Writ Court rightly interpreted the Rule 20(b)(i) of the Tamil Nadu Ministerial Service Rules and allowed the writ petition to the limited extend. It is also to be noted that the Government servant getting transferred to another unit or department for his personal consideration cannot be permitted to disturb the seniority of the employees in the department to which he is transferred, by claiming that his service in the department from which he has been transferred, should be taken into account.



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9. In view of the above discussions, we are of the view that there is no reason warrants interference with the order of the Writ Court and this writ appeal lacks merits and the same is liable to be dismissed. Accordingly, this writ appeal is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
23.03.2026

Index : Yes/No
Internet : Yes
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To

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2.The Additional Chief Secretary/
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**N.SATHISH KUMAR, J.
AND
M.JOTHIRAMAN, J.**

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