

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.10239 of 2015

P.Sekar

... Petitioner

Vs.

1. The Commissioner of Municipal
Administration,
Chepauk, Chennai 5.

2. The Commissioner,
Salem Corporation, Salem.

... Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondents to promote the petitioner herein as Assistant by considering the representation of the petitioner dated 05.01.2015 within a stipulated period as fixed by this Court.

For Petitioner : Mr.R.Nalliyappan
For Respondents : Mr.S.Gunasekaran
Govt. Advocate

ORDER

Heard both sides. With the consent of both sides, this writ petition itself is taken up for final disposal.

2. Though the prayer in the writ petition is to promote the petitioner as Assistant by considering his representation dated 05.01.2015 within a stipulated period, the learned counsel for the petitioner would submit that the petitioner would be satisfied if a direction is issued to the respondents to consider his representation and dispose it on merits.

3. The petitioner was appointed as Driver in the year 1998 in the second respondent Corporation. He was promoted as Junior Assistant in the year 2000. He has been working in the said post for the past fourteen years.

4. According to him, though the post of Assistants are vacant, the same is not filled up. It is stated that due to non-filling of those posts for more than six months, two posts got lapsed.

5. The learned counsel for the petitioner took me through the agenda of the Corporation Council scheduled on 25.02.2015, wherein, it is stated that two posts of Assistant got lapsed for not filling up the same for more than six months and it was sought to be revived.

6. I have perused the said agenda of the Corporation Council .

7. It is not known as to why the Corporation has allowed to lapse the posts, particularly, when the persons are available to fill in the posts. The petitioner has been working as Junior Assistant in the second respondent Corporation for more than 14 years. There were two posts available, but the same was not filled and it was allowed to get lapsed.

8. Under those circumstances, as and when the posts are revived, the respondents are directed to fill up the posts by considering the representation of the petitioner on merits and in accordance with law.

9. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Municipal Administration,
Chepauk, Chennai 5.

2. The Commissioner,
Salem Corporation, Salem.

+ 1 cc to Mr.R.Nalliyappan, Advocate SR.19637
+ 1 cc to Mr.K.Bhuvaneshwari, Advocate SR.19605
+ 1 cc Government Pleader Sr.20172

JSV(CO)
EU 13.04.2015

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