

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.11576 & 11577 of 2015

S.Manikandan .. Petitioner in W.P.No.11576 of 2015

M.Maheshwaran .. Petitioner in W.P.No.11577 of 2015

-vs-

1. Secretary to Government
Housing and Urban Development
Department
Fort St.George
Chennai-9

2. The Chairman
Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai
Chennai-5

3. The Managing Director
Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai
Chennai-5

... Respondents in both the writ
petitions

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to promote the petitioners to the post of Junior Assistant in Tamil Nadu Slum Clearance Board in the office of the respondents with effect from 01.06.2007 (on the date when their juniors were promoted) with all attended benefits.

For Petitioners :: Mr.M.V.Venkateshan

For Respondents :: Mr.S.Gunasekaran
Government Advocate for R1
Mr.B.Kesavan for R2 & R3

ORDER

Both the petitioners have filed these two writ petitions claiming a common relief for issuance of a writ of mandamus directing the respondents to promote them to the post of Junior Assistant in the Tamil Nadu Slum Clearance Board. The claim of the petitioners, as pleaded by the learned counsel for the petitioners, shows that both Mr.S.Manikandan and Mr.M.Maheshwaran were appointed in the respondent office through employment exchange in the year 1990 as Office Assistants. Subsequently, both of them were also promoted as Bill Collectors in the year 1997. But the grievance of the petitioners shows that after their promotion to the post of Bill Collector in the year 1997, their further promotion to the post of Junior Assistant was not considered by the respondents, for the reason that they have not gained experience in the post of Record Clerk. Replying to the said objection, Mr.M.V.Venkataseshan, learned counsel submitted that when the petitioners were appointed as Office Assistants and subsequently promoted as Bill Collectors, the question of gaining experience in the post of Record Clerk does not arise. That apart, when Mr.E.Doss, Mr.V.Seenivasan and several others, who were not having the experience in the post of Record Clerk, were promoted to the post of Junior Assistant, the respondents cannot refuse to consider the case of the petitioners for promotion to the post of Junior Assistant. Concluding his arguments, he has further submitted that when a similar issue came up for consideration in W.P.Nos.9558 & 9559 of 2015 at the instance of Mr.S.Kamalakannan and Mr.K.Murthy, this Court, by order dated 1.4.2015, directed the respondents to consider their representation and dispose of the same on merits and as per law within a period of three months from the date of receipt of a copy of the order. Therefore, a similar direction may be given to the respondents to consider the case of the petitioners herein for promotion.

2. Heard the learned counsel for the petitioners, the learned Government Advocate for the first respondent and the learned counsel for the second and third respondents.

3. In similar circumstances, this Court, while disposing of the W.P.Nos.9558 & 9559 of 2015 filed by Mr.S.Kamalakannan and Mr.K.Murthy by order dated 1.4.2015, had directed the Chairman, Tamil Nadu Slum Clearance Board, Chennai to consider the written representation of the said individuals on merits and in accordance with law. Therefore, this Court, following the said order, hereby directs the second respondent-Chairman, Tamil Nadu Slum Clearance Board, Chennai to consider the case of the petitioners for promotion as Junior Assistants, in the light of the proposal made by him on 18.9.2014, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. The writ petitions are disposed of accordingly. Consequently, M.P.Nos.1

of 2015 are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss

To

1. The Secretary to Government
Housing and Urban Development
Department
Fort St.George
Chennai-9

2. The Chairman
Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai
Chennai-5

3. The Managing Director
Tamil Nadu Slum Clearance Board
No.5, Kamarajar Salai
Chennai-5.

1 cc to Mr.B.KESAVAN ,Advocate, SR.No.21573

4 cc to Mr.M.V.Venkatasehan ,Advocate, SR.No.21594 & 21595

1 cc to Government Pleader, Sr.No21813

W.P.Nos.11576 & 11577 of 2015

VD(CO)
PMK.12.5.2015

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