

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.18104 of 2015

S.Venkatesh Kumar

... Petitioner

-Versus-

1. The Commissioner of Municipal Administration,
Chepauk,
Chennai 600 005.
2. The Commissioner,
Vaniyambadi Municipality,
Vaniyambadi.
3. The Commissioner,
Tambaram Municipality,
Tambaram.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 04.05.2015 in accordance with Rules and pass orders thereon within a period to be fixed by this court.

For petitioner : Mr.Mr.T.Ranganathan

For Respondents : Mrs.M.E.Raniselvam,
Additional Government Pleader

सत्यमेव जयते
ORDER

Considering the limited scope of the prayer, by consent, the writ petition itself is taken up for final disposal.

2. The petitioner has been appointed as a Revenue Assistant on 14.10.1993 in the 2nd respondent Municipality through Employment Exchange. Subsequently, he was transferred and posted as Junior Assistant by the 1st respondent on 02.06.1998. Accordingly, he joined duty on 03.09.1998. But, without assigning any reason, he was reverted to the post of Revenue Assistant by the 2nd respondent. In this regard, he had submitted a representation and the same was pending. While so, he was again

transferred and posted as Junior Assistant on 31.12.1999. According to the petitioner, all such transfers and postings were properly entered in his Service Register. It is further stated by the petitioner that he submitted a representation on 07.09.1999 to the 1st respondent to fix his senior in the category of Junior Assistant as per the proceedings dated 02.06.1998. In fact, the Vaniyambadi Municipal Council has also resolved to regularise the service of the petitioner from 04.06.1998 onwards.

3. It is the further case of the petitioner that his initial promotion on 04.06.1998 should be considered for promotion as Assistant in the year 1998 and he should have been placed above Thiru.K.Babu, who has been working as Junior Assistant in Thiruvottiyur Municipality from 13.07.1998. The grievance of the petitioner is that when he is the senior to Mr.K.Babu, in the state wide seniority list published by the 1st respondent, the said Mr.Babu has been shown at Sl.No.62 whereas the name of the petitioner has not at all been inclined in the list. In this regard, he made a representation on 04.05.2015, but the same has not been considered so far by the 2nd respondent. Hence, seeking to give appropriate directions to the 1st respondent to consider his representation with regard to fixation of seniority and pass orders in accordance with law, he has come forward with this writ petition.

4. I have heard the learned counsel for the petitioner and the learned Additional Government Pleader, who takes notice for the respondents and also perused the records carefully.

5. Considering the limited scope of the prayer and taking into consideration of the fact that the representation of the petitioner is pending, without going into the merits of the case, the 1st respondent is directed to consider the representation of the petitioner dated 04.05.2015 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is, accordingly, disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

kmk

To

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

2.The Commissioner,
Vaniyambadi Municipality,
Vaniyambadi.

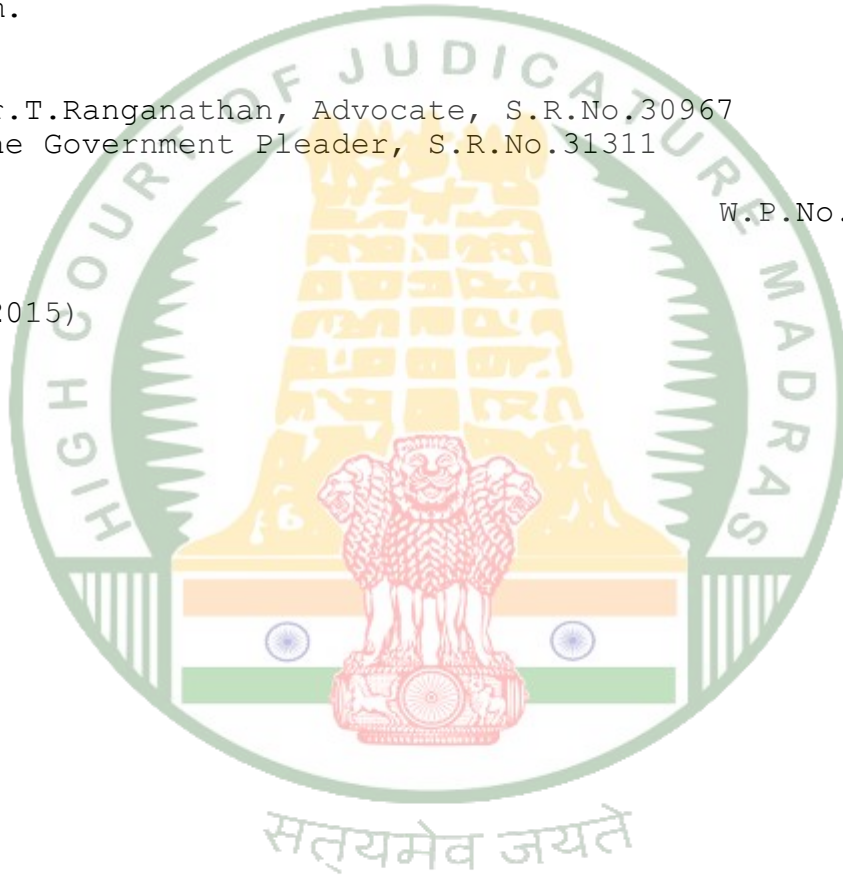
3.The Commissioner,
Tambaram Municipality,
Tambaram.

+1cc to Mr.T.Ranganathan, Advocate, S.R.No.30967

+1cc to the Government Pleader, S.R.No.31311

W.P.No.18104 of 2015

GJ(CO)
CA(08/07/2015)



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