

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.22223 of 2015

K.Nagarajan

...Petitioner

vs.

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat,
Chennai - 600 009,

2. The Director of Municipal Administration,
Chepauk,
Chennai - 600 005,

3. The Commissioner,
Nagercoil Municipality,
Nagercoil.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the 1st respondent to pass appropriate orders on the representation of the petitioner dated 1.7.2015 in the light of the orders issued by the Government in G.O.(D) No.416, MAWS Department, dated 15.9.1999 and in G.O.(Ms) No.79, MAWS Department, dated 30.4.2001 within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.V.Jayaprakash Narayanan, Spl.G.P.
for RR.1 and 2
Mr.N.Roofus Abraham for R.3

ORDER

The petitioner is working as a wireman in the Nagercoil Municipality from 9.12.1989. He has been in service for the past 25 years. The petitioner passed diploma in Electrical Engineering and also B.E. (EEE) from Anna University. The Government issued G.O.(D) No.416, MAWS Department dated 15.9.1999 and G.O.(Ms) No.79, MAWS Department, dated 30.4.2001 permitting the Commissioner, Madurai City Municipal Corporation and Coimbatore City Municipal Corporation respectively to consider the cases of the employees working in the lower categories with B.E Degree qualification for appointment as Assistant Engineer against the Direct Recruitment.

2. According to the petitioner, the 3rd respondent sent a proposal to the 1st respondent through the 2nd respondent on 10.5.2013 along with Council resolution passed in resolution No.2487 dated 30.4.2013. The 2nd respondent has also recommended the proposal to the 1st respondent in the order dated 9.12.2013. The Regional Director of Municipal Administration, Tirunelveli has also sent a proposal on 9.5.2014 that the petitioner can be considered for the post of Assistant Engineer based on the qualification possessed by him. In these circumstances, the petitioner made a representation dated 1.7.2015 to the 1st respondent to consider his claim for promotion to the post of Assistant Engineer in the light of the proposal sent by the 3rd respondent and in the light of the G.Os referred to above.

3. Heard the learned Special Government Pleader appearing for respondents 1 and 2 and Mr.N.Roofus Abraham learned counsel appearing for the 3rd respondent.

4. Considering the submission made by the learned counsel appearing for the petitioner, a direction is issued to the 1st respondent to consider the representation of the petitioner dated 1.7.2015 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order, in the light of the said proposal and G.Os.

5. The writ petition is disposed of accordingly. However, there is no order as to costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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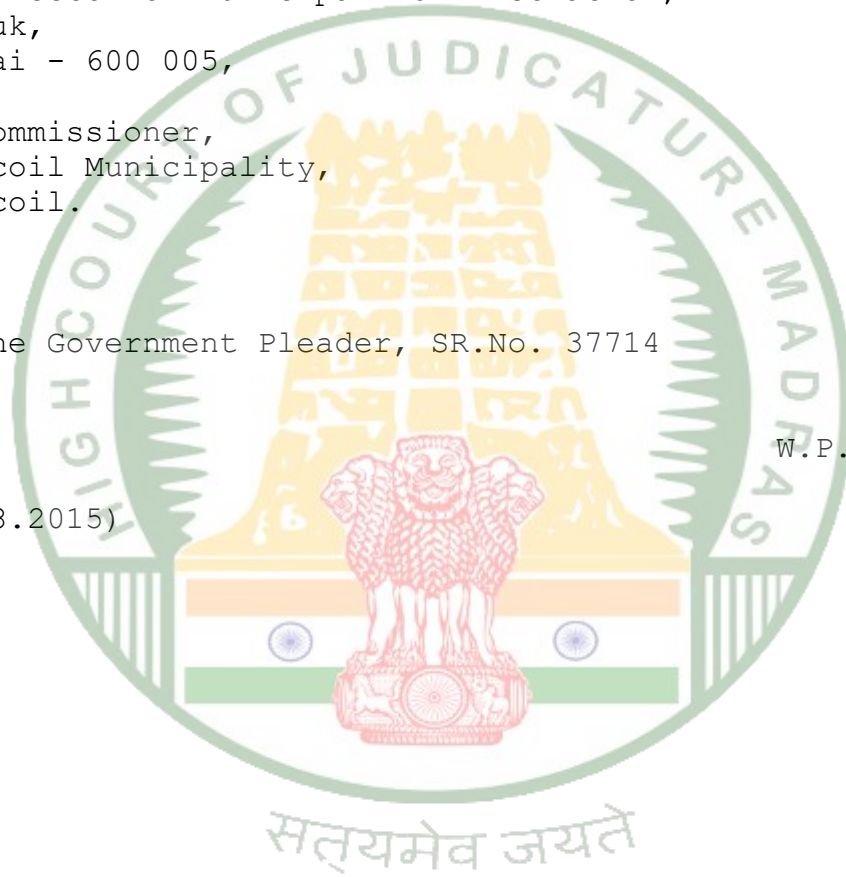
To

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat,
Chennai - 600 009,
2. The Director of Municipal Administration,
Chepauk,
Chennai - 600 005,
3. The Commissioner,
Nagercoil Municipality,
Nagercoil.

1 CC to the Government Pleader, SR.No. 37714

CTK {CO}
PSI (13.08.2015)

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