

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

W.P.No.22618 of 2015

and

M.P.No.1 of 2015

M.Palanisamy

...Petitioner

vs.

The Commissioner,
Salem Corporation,
Salem - 6.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent herein to implement G.O.Ms.No.393 (Municipal Administration and Water Supply Department) dated 16.06.2015 in accordance with the seniority maintained by the respondent as on the date of the G.O.,.

For petitioner : Mr.K.S.Kumar

For respondent : Mr.S.Diwakar,
Standing Counsel for Salem Corporation

ORDER

Mr.S.Diwakar, learned standing counsel for the respondent Corporation, takes notice.

2. Earlier, the petitioner filed W.P.No.6471 of 2008 to quash the order dated 20.12.2007 in Na.ka.No.C3/29106/2007 and consequently, to promote him to the post of Junior Engineer (Planning) Special Grade - I or Junior Engineer (Planning) Special Grade - II in Salem Municipal Corporation.

3. By order dated 8.11.2013, the said Writ Petition was disposed of in the following terms:-

"Considering the facts and circumstances of the case, I am of the view that the grievance of

the petitioner appears to be correct one. It is pertinent to note that no seniority list has been published by the second respondent and no final order has been passed in his representation. Further, this Court is not in a position to ascertain as to which are the feeder categories from which the promotion to the post of Junior Engineer (Planning) Special Grade I in the Salem Corporation could be given and the place of the petitioner in the seniority list, since no counter has been filed by the 2nd respondent.

In view of all the above, the second respondent is directed to publish the seniority list by fixing the seniority of the petitioner within in four weeks from the date of receipt of a copy of this order and thereafter proceed in accordance with law."

4. Since the order was not complied with, the petitioner filed a Contempt Petition vide No.2915 of 2014.

5. On the other hand, the respondent Corporation filed a Review Petition seeking for review of the order passed in W.P.No.6471 of 2008 dated 08.11.2013.

6. Both the Review Petition and the Contempt Petition came to be disposed of by a common order dated 23.01.2015 and the order reads as follows:-

"A Direction is issued to the Principal Secretary to Government, Municipal Administration and Water Supply Department, Fort St. George, Chennai - 9 to consider and pass appropriate final Orders on the proposal dated 09.10.2014 sent by the Review Applicant within a period of eight weeks from the date of receipt of a copy of this Order."

7. In these circumstances, the Government have issued an order vide G.O.Ms.No.393 (Municipal Administration and Water Supply Department) dated 16.06.2015 reviving certain posts of Junior Engineer (Planning) Special Grade I.

8. The petitioner has made a representation dated 14.7.2015 to the respondent Corporation claiming that he is the second senior most person and hence, he shall be promoted to the post of Junior Engineer (Planning) Special Grade - I that was revived pursuant to G.O.Ms.No.393 (Municipal Administration and Water Supply Department) dated 16.06.2015.

9. Now, this Writ Petition is filed seeking for a direction to the respondent to implement G.O.Ms.No.393 (Municipal Administration and Water Supply Department) dated 16.06.2015.

10. At the time of hearing, the learned counsel appearing for the petitioner submitted that a direction could be issued to the respondent Corporation to pass orders on the representation of the petitioner dated 14.7.2015 within a stipulated period. Postal Acknowledgement is also enclosed for having sent the representation.

11. In these circumstances, a direction is issued to the respondent to pass orders on the representation of the petitioner dated 14.07.2015, in the light of G.O.Ms.No.393 (Municipal Administration and Water Supply Department) dated 16.06.2015, within a period of three weeks from the date of receipt of a copy of this order.

12. With the above direction, the Writ Petition is disposed of. No costs. The connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

asvm

To

The Commissioner,
Salem Corporation,
Salem - 6.

1 CC to Mr.K.S.Kumar, Advocate SR.No. 38129

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W.P.No.22618 of 2015
and
M.P.No.1 of 2015

KJI (CO)
PSI (29.07.2015)