

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.24627 of 2015

P.Narayanan

... Petitioner

vs

1. State of Tamil Nadu
Rep. By The Principal Secretary
to Government
Municipal Administration and
Water Supply (M.E.1) Department
Secretariat, Chennai 600 009

2. B.V.Surendersha
Municipal Commissioner Grade-I,
Poonamallee, Chennai 600 056

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent to consider the petitioner's request based on the G.O.(Ms) No.107, Personnel and Administrative Reforms (M) Department, dated 18.8.2009, and the clarification issued by the Personnel and Administrative Reforms (M) Department dated 3.12.2010, and G.O.(Ms) No.116, Personnel and Administrative Reforms (M) Department, dated 18.8.2010, not to grant Selection Grade Municipal Commissioner to the second respondent.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.S.Gunasekaran
Government Advocate for R1

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that he was initially appointed as a Typist in the Tamil Nadu Secretariat Service on 27.10.1993, and was promoted as an Assistant in the year 2004, and thereafter, as an Assistant Section Officer on 23.9.2005. The petitioner would further

state that he was working in the Municipal Administration and Water Supply Department from 12.10.2007, and applied for the post of Municipal Commissioner Grade-II by recruitment by transfer and as per the Special Rules, a ratio of 20% is reserved for the Assistant Section Officers, who have completed five years of service in Secretariat Service and two years experience in the Municipal Administration and Water Supply Department.

3. According to the petitioner, he possesses all the requisite qualifications and in spite of it, he was not considered for the said post. It is also stated by the petitioner that G.O.(Ms) No.107 dated 18.8.2010, as well as the letter dated 3.12.2010, were issued by the Personnel and Administrative Reforms (M) Department, making certain clarifications, and according to him, in terms of the said G.O. and administrative instructions, the second respondent is ***not** qualified to hold the said post and in this regard, the petitioner has also submitted a representation dated 10.7.2015, to the first respondent and since no response is forthcoming, came forward to file this writ petition.

4. Heard the submissions of the learned Counsel appearing for the petitioner, and Mr.S.Gunasekaran, learned Government Advocate, who accepted notice on behalf of the first respondent.

5. This Court, taking into consideration the limited scope of prayer sought for by the petitioner, and without going into the merits of the claim projected by him either in his representation, or in this writ petition, directs the first respondent to consider the petitioner's representation dated 10.7.2015, in accordance with law, after putting on notice, the second respondent, and pass orders thereon within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the second respondent. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

***Corrected Order as per
order dated 14/9/2015**

-s/d-

Assistant Registrar(CsIII)

dt:24/08/2015

//True Copy//

Sub Assistant Registrar

nsv

To:

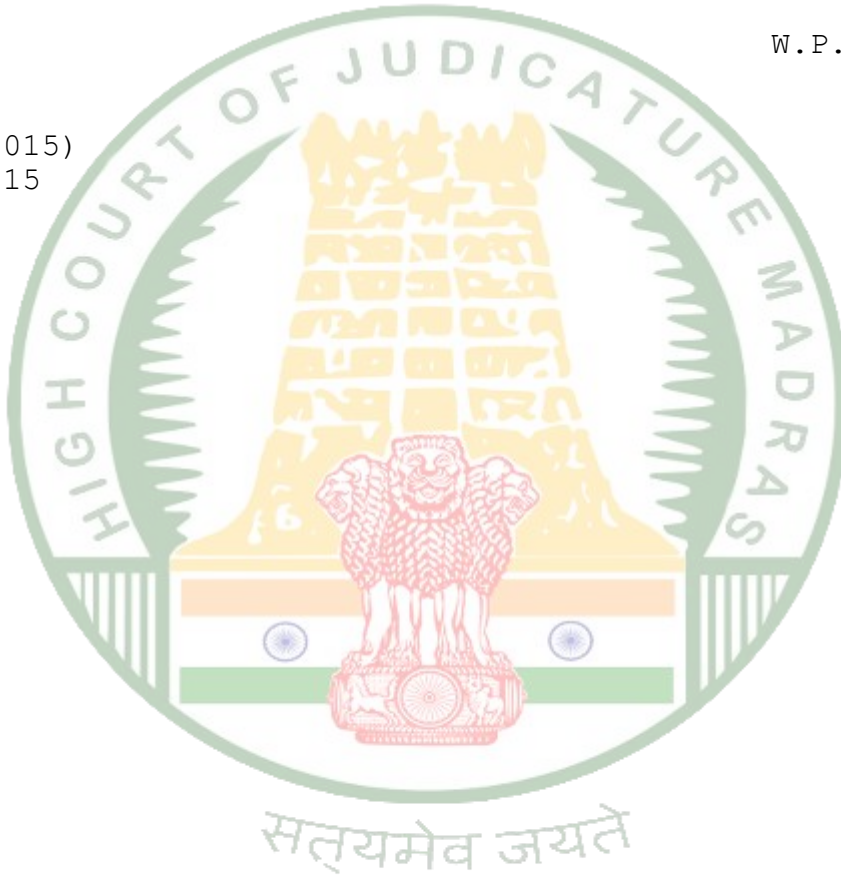
The Principal Secretary
to Government
Municipal Administration and
Water Supply (M.E.1) Department
Secretariat, Chennai 600 009

(To be Substituted the
order already despatched on
(08/09/2015

+1 cc to Government Pleader Advocate sr.42023
+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.*50418

W.P.No.24627 of 2015

RSI (CO)
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