

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31-08-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.27186 of 2015
and
M.P.No.1 of 2015

1.S.Ravi
2.M.Kumaresan
3.A.Sathiyamurthy
4.R.Sundararajan
5.R.Uthaman
6.R.Thirumoorthy
7.P.Kumar

...Petitioners

vs

1. The Secretary to Government
Municipal Administration and Water Supply Department
Fort St. George, Chennai 600 009
2. The Commissioner of Municipal Administration
Chepauk,
Chennai 600 005.
3. The Commissioner
Coimbatore City Municipal Corporation
Coimbatore 641 031

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the third respondent to consider the claim of the petitioners, who are skilled Assistants Grade II, to the post of Assistant Engineer in the existing 13 vacancies as has been done in the similar cases made in the proceedings of the third respondent in Roc.No.28801/2000 (MC 23) MC 3 dated 20.6.2001, and as ordered in G.O.(Ms) No.79, Municipal Administration and Water Supply Department dated 30.4.2001, by passing appropriate orders on the representations dated 30.1.2015, 30.3.2015 and 13.7.2015, within a short date.

For Petitioners : Mr.K.Rajkumar
For Respondents : Mr.S.Gunasekaran
Government Advocate
for RR1 & 2

Mr.R.Sivakumar for R3

ORDER

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

2.The deponent of the affidavit filed in support of this writ petition, viz. the first petitioner, would state that all the petitioners are working as skilled Assistants Grade II in the services of Coimbatore City Municipal Corporation ever since 23.2.2006/8.7.2009 and they have put in more than 20 years of continuous service in the said post. The deponent would further state that now they have acquired B.E. Degree and are fully qualified and eligible for appointment by way of direct recruitment, to the post of Assistant Engineer in Coimbatore City Municipal Corporation Engineering and Water Supply service.

3.It is further stated by the deponent that though they are entitled to get promotion to the post of category 3, 2 and 1 as per the Service Rules, they are also eligible to compete to the post of Assistant Engineer and in this regard, they have submitted a joint representation dated 30.1.2015, to the third respondent followed by reminders dated 30.3.2015 and 13.7.2015, and since no orders have been passed, came forward to file this writ petition.

4.Mr.K.Rajkumar, learned Counsel appearing for the petitioners, has drawn the attention of this Court to the proceedings of the third respondent dated 20.6.2001, and would submit that in similar facts and circumstances, the third respondent by placing reliance upon G.O.(Ms) No.79, Municipal Administration and Water Supply Department, dated 30.4.2001, has accommodated four persons similarly placed and hence, prays for appropriate orders.

5.The Court heard the submissions of Mr.S.Gunasekaran, learned Government Advocate, who accepted notice on behalf of the respondents 1 and 2, and Mr.R.Sivakumar, learned Standing Counsel, who accepted notice on behalf of the third respondent, also.

6.Though the petitioners prayed for a larger relief, this Court, in the light of the facts and circumstances, directs the third respondent to consider the petitioners' representation dated 30.1.2015, as well as the reminders dated 30.3.2015 and 13.7.2015, on

merits and in accordance with law, after taking note of G.O.(Ms) No.79, Municipal Administration and Water Supply Department, dated 30.4.2001, as well as his own proceedings in Roc.No.28801/2000/(MC23) MC3 dated 20.6.2001, 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 petitioners. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nsv

To

1. The Secretary to Government
Municipal Administration and Water Supply Department
Fort St. George, Chennai 600 009
2. The Commissioner of Municipal Administration
Chepauk,
Chennai 600 005
3. The Commissioner
Coimbatore City Municipal Corporation
Coimbatore 641 031

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W.P.No.27186 of 2015

CTK (CO)
PSI (02.09.2015)

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