

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No.27823 of 2015

S.Sankar

... Petitioner

v.

1 The Commissioner
Tirupathur Municipality
Tirupathur
Vellore District - 635 601

2 The Commissioner of
Municipal Administration
Chepauk
Chennai - 600 005

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to consider and pass appropriate orders on the representation of the Petitioner dated 31.12.2014 sent through proper channel and reminder on 4.5.2015 within a reasonable period as may be fixed by this Honourable Court.

For Petitioner : Mr.T.Ranganathan

For Respondents: Mr.R.Vijayakumar
Addl. Govt. Pleader

सत्यमेव जयते
O R D E R

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

2. The petitioner was initially appointed as Office Assistant on 10.12.1990 by the 1st respondent Municipality. Thereafter, appointed as revenue Assistant by the proceedings of the 1st respondent dated 12.9.2011 and it was also approved by the Appointment Committee. However, the petitioner was reverted to the post of Office Assistant for want of vacancy.

3. The petitioner would state that on 5.6.2014, one Thiru.S.Premkumar, who was Revenue Assistant Grade-II, died in harness and it became vacant and therefore, he submitted a

representation to the 1st respondent requesting for appointment as Revenue Assistant Grade-II. However, without following the Special Rules, one Thiru P.Kishore, who was working as Junior Assistant, was appointed in the said post. The petitioner, in this regard, has also submitted a representation dated 31.12.2014 with a request that he shall be considered for the post of Revenue Assistant Grade-II and consequently, Thiru Kishore to be reposted as Junior Assistant in accordance with the Rules issued by the Government in G.O.Ms.No.222, MAWS Department, dated 30.09.1999. Since no orders have been passed, the petitioner has submitted another representation reminder on 04.05.2015. Since no response is forthcoming, he came forward to file the present writ petition.

4. Heard the submissions of Mr.T.Ranganathan, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice for the respondents.

5. Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the case, directs the 2nd respondent to consider the petitioner's representation dated 31.12.2014 as well as reminder dated 04.05.2015, after putting on notice Mr.P.Kishore, and pass orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to Mr.P.Kishore.

This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

Rj

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To

1 The Commissioner
Tirupathur Municipality
Tirupathur
Vellore District - 635 601

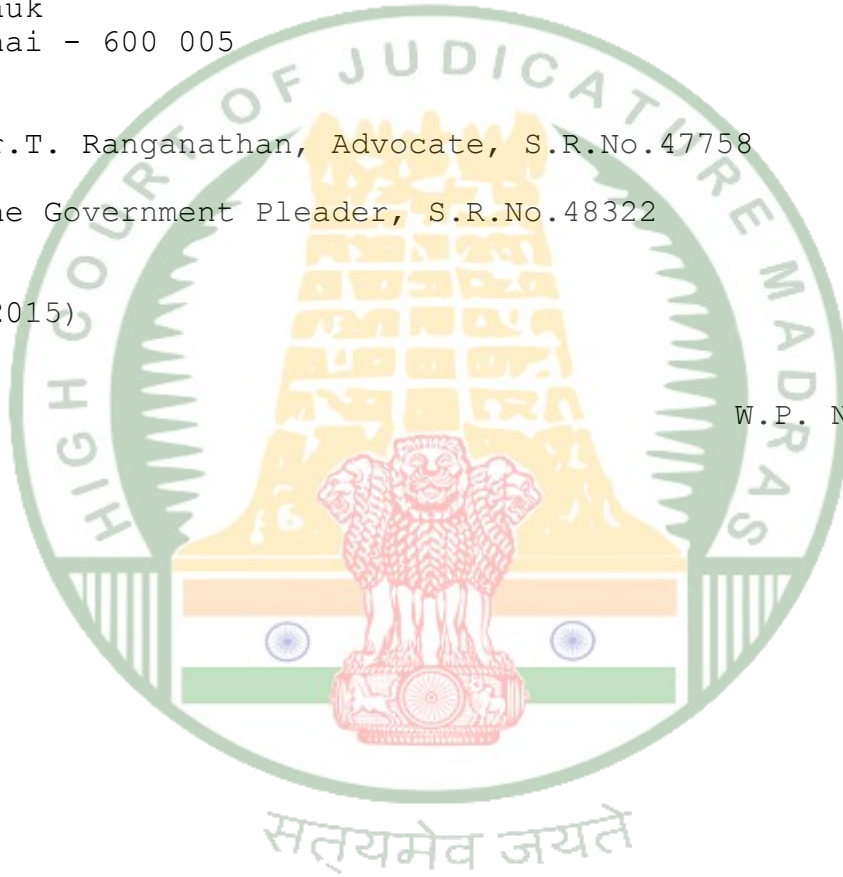
2 The Commissioner of
Municipal Administration
Chepauk
Chennai - 600 005

+1cc to Mr.T. Ranganathan, Advocate, S.R.No.47758

+1cc to the Government Pleader, S.R.No.48322

TM(CO)
EU(28/09/2015)

W.P. No.27823 of 2015



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