

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29049 of 2015

And

M.P.No.1 of 2015

K.Manoharan

... Petitioner

Vs.

The Commissioner
Salem Municipal Corporation
Salem

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to fill up the two posts of Junior Engineer (Planning) Special Grade-I applying the ratio of 3 : 1 as contemplated in the Special Rules by promoting from among the qualified senior-most Assistant Engineers.

For Petitioner : Mr.C.Selvaraju
Senior Counsel
for M/s.C.S.Associates
For Respondent : Mrs.K.Bhuvaneswari

O R D E R

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

2.The petitioner joined the services of Coimbatore Municipal Corporation as Town Planning Inspector on 05.12.1988 after due selection process and the said Corporation was adopting rules as applicable to Chennai City Municipal Corporation and subsequently, Municipalities like Tiruchirappalli, Tirunelveli, Salem were upgraded as Minicipal Corporations and therefore, the Government has framed a common rule to all the Municipal Corporations except the Corporation of Chennai.

3.The petitioner would state that when he joined the services, the Town Planning Department and Water Supply Engineering Department were separately functioning and thereafter, both got merged and the post of Town Planning Inspector was re-designated as Junior Engineer

and since the petitioner has acquired B.E.Degree in the year 1998, he was re-designated as Assistant Engineer. The petitioner submitted application for transfer from Coimbatore Municipal Corporation to Salem Municipal Corporation for personal reasons and order was passed transferring him to Salem Municipal Corporation initially for a period of one year on deputation basis and thereafter, his services were permanently absorbed and presently, he is working as Assistant Engineer in Salem Municipal Corporation and the petitioner also opted for Town Planning Department.

4.The petitioner would further state that while separating two Departments, the Government has also revived two posts of Junior Engineer (Planning) Special Grade - I in the scale of pay applicable to the post of Assistant Executive Engineer and insofar as the promotion is concerned, the post of Assistant Executive Engineer has to be filled up applying the ratio of 3 : 1 i.e., three from Assistant Engineers and one from Junior Engineer (Diploma Holders) and a separate seniority list was maintained by the Department and even after separation the same rule is applied and promotions have been given. As regards the post of Junior Engineer (Planning) Special Grade - I is concerned, it has to be filled up in the ratio of 3 : 1 i.e., three from Assistant Engineers and one from Junior Engineer (Diploma Holders).

5.The grievance expressed by the petitioner is that the promotions have to be given to Assistant Engineers only in the sanctioned post of Junior Engineer (Planning) Special Grade - I and instead, attempts are made, to give promotion one from the Assistant Engineer cadre and second from Junior Engineer cadre which is against the Special Rules and in this regard, submitted a representation dated 09.09.2015 to the respondent and since no orders have been passed, came forward to file this writ petition.

6.Heard the submissions of Mr.C.Selvaraju, learned counsel appearing for the petitioner and Mrs.K.Bhuvaneshwari, learned counsel who accepts notice on behalf of the respondent.

7.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 same, directs the respondent to consider and dispose of the petitioner's representation dated 09.09.2015 on merits and in accordance with law after putting on notice the persons concerned and pass orders by taking into consideration the G.O.Ms.No.237, Municipal Administration and Water Supply (Election) Department, dated 26.09.1996, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the persons concerned.

8.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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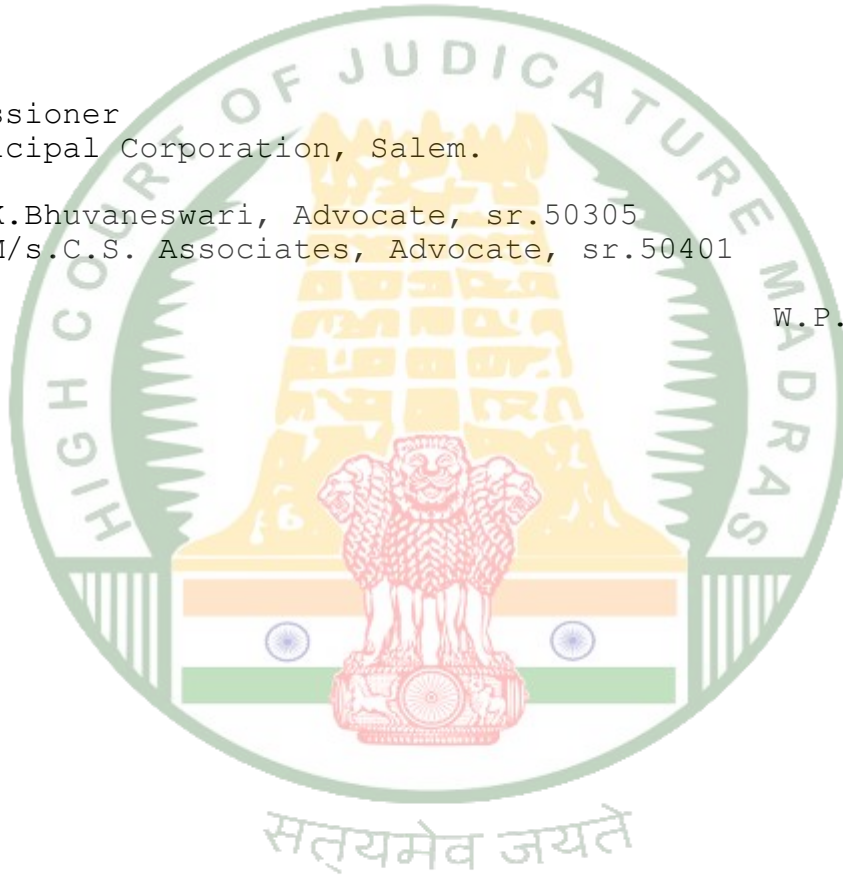
To
The Commissioner
Salem Municipal Corporation, Salem.

+1 cc to K.Bhuvaneswari, Advocate, sr.50305

+1 cc to M/s.C.S. Associates, Advocate, sr.50401

W.P.No.29049 of 2015
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