

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-09-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.29587 of 2015

P.Venugopal

.. Petitioner

vs

1.The Director of Town Panchayats
4th Floor, Kuralagam
Chennai 600 108

2.The Assistant Director of Town
Panchayats
Vellore Region, Vellore 9

.. 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 and pass orders on the representation dated 5.9.2014, made by the petitioner for grant of notional promotion to the post of Executive Officer Grade II from the year 2003-2004 with attendant benefits and consequently, grant pensionary benefits to the petitioner within the stipulated time limit.

For Petitioner : Mr.V.Suthakar

For Respondents : Mr.N.Srinivasan
Additional Government Pleader

ORDER

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

2.The petitioner would state that he was initially appointed as Office Assistant at Vettavalam Town Panchayat on 25.4.1970, and was promoted as Bill Collector in the very same Town Panchayat on 28.3.1983. The petitioner would further state that he was posted as a Junior Assistant at Chengam Town Panchayat on 1.4.1991, and thereafter, transferred to Vettavalam Town Panchayat during 1998, and posted as Head Clerk at Chengam Town Panchayat during April, 2007.

3.It is further stated by the petitioner that the next avenue of promotional post is the Executive Officer and however, promotion to the said post has not been taken into account and it is pending for consideration before the Government, for several years and though one Periyasamy of Perambalur District and Palani from Tiruvallur District were accommodated/appointed as Executive Officers, the petitioner was not given promotion and in this regard, he has submitted a representation and since no orders have been passed, filed W.P.No.17980 of 2006 and this Court vide order dated 21.6.2006, has directed the concerned respondent therein to pass

orders on his representation, in accordance with law, and it was rejected by the second respondent on 7.8.2006.

4.The petitioner would further aver that he has attained the age of superannuation on 30.9.2007, and retired from service and the State-wide Seniority List was finalised only in the year 2012, and the name of the petitioner has been included in Rank No.94 and if it was operated on time, he would have got promotion to the said post and in this regard, he has submitted a representation dated 5.9.2014, to the first respondent and since no orders have been passed, came forward to file this writ petition.

5.Heard the submissions of the learned Counsel appearing for the petitioner, and Mr.N.Srinivasan, learned Additional Government Pleader, who accepted notice on behalf of the respondents.

6.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 first respondent to consider the petitioner's representation dated 5.9.2014, on merits and in accordance with law, and pass orders thereon 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. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

nsv

To:

1.The Director of Town Panchayats

4th Floor, Kuralagam

Chennai 600 108

2.The Assistant Director of Town

Panchayats

Vellore Region, Vellore 9

1 cc to Mr.V.Suthakar , Advocate Sr.No.57825

1 cc to Government Pleader.Sr.No.51520

W.P.No.29587 of 2015

ksj (co)

pmk.6.10.2015