

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31373/2015 & M.P.No.1/2015

M.Kanniappan

..

Petitioner

Versus

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

2. The Assistant Commissioner,
General Department,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the first respondent to consider the petitioner for the promotional post of Assessor based on the representation of the petitioner dated 15.09.2015.

For Petitioner : Mr.R.Raman Laal

For Respondents : Mr.G.Anantha Rangan

ORDER

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

2 The petitioner was appointed as Office Assistant on 01.06.1990 and was given promotion as Junior Assistant on 18.06.2001 and got subsequent promotion as Tax Collector [Incharge] during the year 2004 and on 17.09.2007, he was promoted as Tax Collector and got further promotion as Assistant on 30.08.2010. The petitioner would state that as per the Resolution of the Council bearing No.45/2010 dated 28.01.2010, Assistant, Assistant Store Keeper, License Inspector, Writer and Conservancy Supervisor are treated in the same cadre post and in terms of the said resolution, the 1st respondent, vide order dated 01.03.2011, has assigned the duty of the petitioner as a License Inspector ; but fixed the salary only to that of an Assistant.

3 It is the claim of the petitioner that as per the Draft By-law, the post of License Inspector is a promotional post based on the equation 1:1:3 ratio and the petitioner has fallen in the second category of having completed 12 years of experience and he has also fulfilled all other necessary qualifications and criteria and overlooking his claim, the juniors of the petitioner were given promotions as Assessors and in this regard, the petitioner submitted a representation dated 15.09.2015 to the respondents and since no orders have been passed, the petitioner came forward to file this writ petition.

4 Learned counsel for the petitioner would submit that since the petitioner has fulfilled all the eligible criteria, in all fairness, his claim for promotion to the post of Assessor ought to have been considered by the respondents 1 and 2 ; however, his juniors are given promotion as Assessors and hence, prays for appropriate orders.

5 Heard the submissions of Mr.G.Anatharangan, learned counsel who accepts notice on behalf of the respondents.

6 This Court, considering the limited scope of prayer sought for by the petitioner, directs the 1st respondent to consider the representation of the petitioner dated 15.09.2015 on merits and in accordance with law, after giving an opportunity of personal hearing to the petitioner and pass orders 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.

7 The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

AP

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

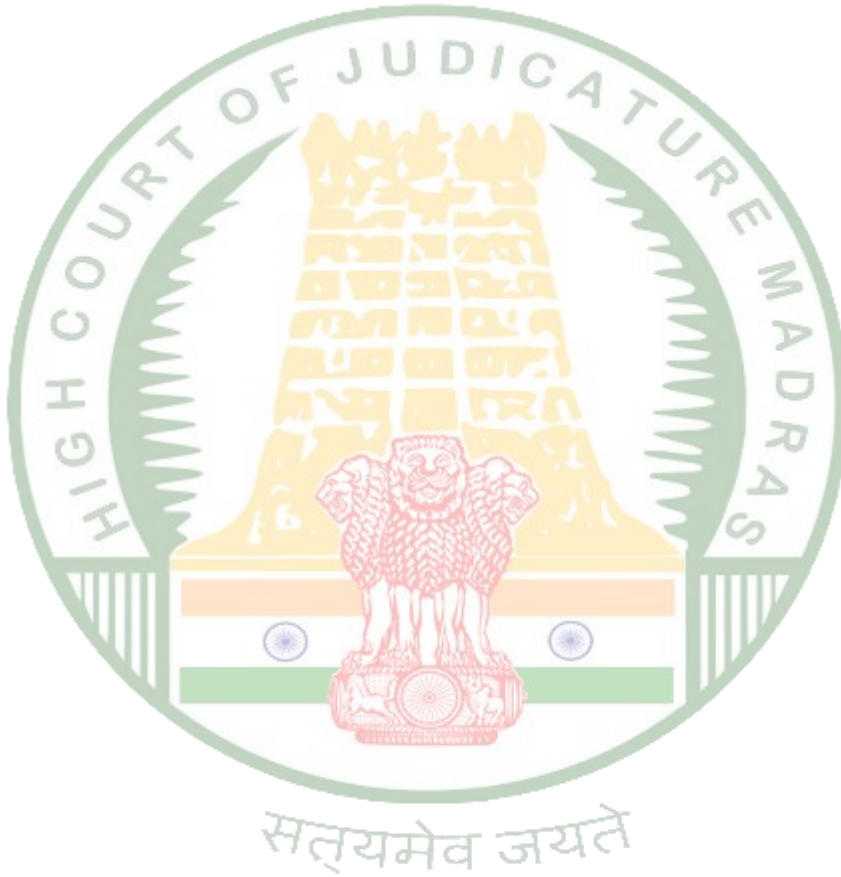
WEB COPY

2. The Assistant Commissioner,
General Department,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

+1 cc to M/s.R.Ramanlal, Advocate, sr.56290 (14/10/2015)

tej(co)
prk12/10

W.P.No.31373/2015



WEB COPY