

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.31510 of 2015

K.Bhoopathy

.. Petitioner

vs

1.The Government of Tamil Nadu
rep. By the Secretary to Government
Municipal Administration and
Water Supply Department
Fort St. George, Chennai 600 009

2.The Director of Municipal Administration
Chepauk, Chennai 600 005

3.The Commissioner
Salem Corporation
Salem, Salem District

.. 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 petitioner's representation dated 16.2.2015, requesting the respondent to reclassify him as Skilled Assistant Grade-I with effect from the date of his appointment and fix his pay accordingly and pay arrears of salary and also promote him as Technical Assistant without insisting on the educational qualification as per G.O.Ms.No.237, Municipal Administration and Water Supply Department, dated 26.9.1996, and pass appropriate orders thereon within a stipulated time.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.N.Srinivasan
Additional Government Pleader
for RR1 and 2

Mr.S.Diwakar
Additional Government Pleader
for R3

ORDER

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

2.The petitioner would state that he was initially appointed as a N.M.R. Fitter in the services of Salem Municipality in the month of October, 1989, and subsequently, it was upgraded as Salem Municipal Corporation from the year 1994 and he was given promotion as Skilled Assistant Grade-II on 11.3.1996, and was further promoted as Skilled Assistant Grade-I on 15.11.2002, and the Department of Finance (Pay Cell) has issued a Government Order in G.O.Ms.No.762 dated 20.8.1996, granting revision of scale of pay of trade posts with reference to qualification for admission to ITI and the Municipal Administration and Water Supply (Election) Department has passed a Government Order in G.O.Ms.No.237 dated 26.9.1996, wherein the Tamil Nadu Municipal Corporation Service Rules, 1996, came to be issued and as per the said Rules, all technical posts were grouped and classified under three categories viz. Technical Assistant with scale of pay of Rs.1350-2200; Skilled Assistant Grade-I with scale of pay of Rs.1100-1660 and Skilled Assistant Grade-II with scale of pay of Rs.975-1500 and it came into effect from 1.10.1996 and it has been specifically stated that it need not be applied to the existing employees for the first promotion to which they were considered, after the issuance of the said Rules.

3.The petitioner would further state that subsequently, the Managing Director of Tamil Nadu Water Supply and Drainage Board has upgraded Grade-II posts of Fitter Grade-II, Electrician Grade-II etc., with SSLC and ITI Certificate, as Grade-I and revised the scale of pay and in respect of Veerappanchathiram and Vellakoil Municipalities, it was done and the actions were ratified by the Government in G.O.Ms.No.123, Municipal Administration and Water Supply Department, dated 28.2.2011.

4.The grievance expressed by the petitioner, is that the Skilled Assistants Grade-II working in the services of Salem Corporation, should be reclassified as Skilled Assistants Grade-I with effect from the date of appointment as they possess required qualifications and conferred with similar benefit and in this regard, he has also submitted a representation dated 16.2.2015, and since no orders have been passed, came forward to file this writ petition.

5.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the third respondent to consider the petitioner's representation dated 16.2.2015, on merits and in accordance with law 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 petitioner. The writ petition is disposed of accordingly. No costs.

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 Director of Municipal Administration
Chepauk, Chennai 600 005
- 3.The Commissioner
Salem Corporation
Salem, Salem District

W.P.No.31510 of 2015

CO-CTK
JD 19/10/2015

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