

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.32736 of 2015

D.Velu

...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

Petition under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus directing the third respondent to consider the petitioner's representation dated 16.02.2015 requesting the respondent to reclassify him as Skilled Assistant Grade - I with effect from the date of the petitioner appointment and fix the petitioner's pay accordingly and pay arrears of salary and also promote him as Technical Assistant without insisting on the education qualification as per G.O.Ms.No.237, Municipal Administration and Water Supply Department dated 26.09.1996.

For Petitioner : Mr.P.Rajendran

For Respondents : Mr.V.Subbiah,
SPl.G.P. - R1 & R2

Mrs.K.Bhuvaneswari - R3

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. The petitioner was initially appointed as Electrician Grade - II on 22.12.1983 in the Tamil Nadu Water Supply and Drainage Board and got his promotion as Skilled Assistant Grade - I on 01.03.2001. Now he is working as Skilled Assistant Grade - I in the Office of the Assistant Commissioner, Suramangalam Zonal Office, Salem Corporation. It is further stated by the petitioner that the Government of Tamil Nadu issued orders vide G.O.Ms.No.762, Finance (Pay Cell) Department, dated 20.08.1996 directing revision of pay scales of trade posts with reference to qualification for admission to ITI. The Government, vide G.O.Ms.No.237, Municipal Administration and Water Supply (Election), Department dated 26.09.1996, framed Tamil Nadu Municipal Corporation Service Rules, 1996 and as per the said Rules, all technical posts were grouped and classified under three categories, namely, a) Technical Assistant with the scale of pay of Rs.1350-2200; b) Skilled Assistant Grade - I with the scale of pay of Rs.1100-1660 and c) Skilled Assistant Grade - II with the scale of pay of Rs.975-1500 and it was made clear that the said Rules are only prospective in nature. The qualification for appointment to the post of Skilled Assistant Grade - II is SSLC passed + ITI. It is further stated by the petitioner that the Managing Director of the Tamil Nadu Water Supply and Drainage Board (TWAD) has followed the above said orders of the Government and upgraded the Grade II Posts of Fitter Grade-II, Electrician Grade II with the above said qualification as Grade I and revised the scale of pay as applicable to Grade I Posts and it was also followed by other municipalities, viz., Veerappanchathiram and Vellakoil Municipalities, however, the Salem Municipal Corporation is yet to follow the same. In this regard, the petitioner has submitted a representation dated 16.02.2015 to the respondents and since no orders have been passed, he came forward to file this Writ Petition.

3. Heard the submissions of the learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of respondents 1 and 2 and Mrs.K.Bhuvaneswari, learned counsel, who accepts notice on behalf of the third respondent.

4. Though the petitioner has 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 representation of the petitioner dated 16.02.2015 on merits and in accordance with law 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(CO)

//True Copy//

Sub Assistant Registrar

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To

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.

1 CC to Mr.P.Rajendran, Advocate SR.No. 57039

1 CC to Mrs.K.Bhuvaneswari, Advocate SR.No. 56781

1 CC to Government Pleader, SR 57125

Writ Petition No.32767 of 2015

SAI (CO)

PSI (29.10.2015)