

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33085/2015 & MP.Nos.1&2/2015

M.Malarmaran

..Petitioner

Versus

1.The Principal Secretary to Government
Municipal Administration and Water
Supply Department, Fort St George
Secretariat, Chennai 600 009.

2.The Director of Town Panchayat
Kuralagam Buildings, 4th Floor
Chennai 600 108.

3.The Commissioner of Municipal
Administration
Chepauk, Chennai 600 005.

4.Mr.T.V.Palanikumar

5.Mr.B.Rajasekaran

6.Mr.K.Mahendran

7.Mrs.Sangeetha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of certiorarified mandamus calling for the records of the 2nd respondent in Na.Ka.No.11604/2015/A7 dated 07.09.2015 and quash the same insofar as promoting the 4th to 7th respondents and other juniors to the post of Selection Grade Executive Officer and consequently direct the 1st and 2nd respondents to restore the petitioner seniority as per para 6 of G.O.Ms.No.118 MAWS Department dated 21.08.2007 and consequently promote the petitioner as Executive Officer Grade-II/Assistant/Head Clerk and Executive Officer Grade-I etc., above the respondents 4 to 7 with all monetary and other attendant benefits.

For Petitioner : Mr.N.Kolandaivelu

For RR 1 to 3 : Mr.V.Subbiah, Spl.GP

ORDER

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

2 The petitioner, was selected through the Tamil Nadu Public Service Commission for the post of Junior Assistant-cum-typist/Bill Collector in Tamil Nadu Ministerial Service and was allotted to Town Panchayat Union, Tiruvannamalai District and posted as Bill Collector Grade-II, Keezhpennathur Town Panchayat, by the District Collector, Tiruvannamalai District and he would claim that respondents 4 to 6 were also appointed as Bill Collector Grade-I, by the same proceedings dated 28.09.2000. The grievance expressed by the petitioner is that though the petitioner has joined as Junior Assistant as early as on 07.06.2002, he has not been given promotion as Assistant, though the 7th respondent, who was posted as Junior Assistant during January 2012 in the Collectorate of Town Panchayat, was promoted as Assistant on 24.08.2006 and subsequently, promoted as Executive Officer, Grade-I on 17.12.2013. The further grievance expressed by the petitioner is that though the 1st respondent, vide G.O.Ms.No.118 dated 21.08.2007, has directed the Director of Town Panchayat and the Commissioner of Municipal Administration are directed to cancel their earlier orders in which promotions were given to the staff working both in the Town Panchayats and III Grade Municipalities and restore status quo as regards their seniority as on 24.08.2004, the date on which the staff were redeployed from the Directorate of the Town Panchayats to Commissioner of Municipal Administration for looking after the functions of Third Grade Municipalities vide G.O.Ms.No.301 of the same Department dated 24.08.2004, no further progress has taken place and without finalising the seniority list, juniors of the petitioner are getting further promotions. In this regard, the petitioner has submitted a representation in detail dated 11.09.2015 to the respondents 1 and 2 and since no orders have been passed, the petitioner came forward to file this writ petition.

3 Learned counsel for the petitioner would submit that in the light of the positive directions given in G.O.Ms.No.118 of the 1st respondent, dated 21.08.2007, the subordinate officers are bound to obey the same and for the reasons best known to them, the Government order has not been implemented at all and left with no other option, the petitioner has been constrained to approach this Court, by filing this writ petition.

4 This Court heard the submissions of Mr.V.Subbiah, learned Special Government who accepts notice on behalf of the respondents 1 to 3.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 11.09.2015 on merits and in accordance with law, after taking into consideration, the Government Order in G.O.Ms.No.118, Municipal Administration and Water Supply Department dated

21.08.2007 and pass orders 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.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Principal Secretary to Government
Municipal Administration and Water
Supply Department, Fort St George
Secretariat, Chennai 600 009.
 - 2.The Director of Town Panchayat
Kuralagam Buildings, 4th Floor
Chennai 600 108.
 - 3.The Commissioner of Municipal Administration
Chepauk, Chennai 600 005.
- + 1 cc to the Government Pleader Sr.57539

W.P.No.33085/2015

RV(CO)
Eu 28.10.15

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