

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33414/2015

and

M.P.No.1 of 2015

V.Malliga

...Petitioner

Versus

1. The State of Tamil Nadu,
represented by its 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,
Erode Corporation,
Erode.

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the second respondent to process the approval for promotion of the petitioner to the post of Junior Assistant cum Typist in Erode Corporation based upon the G.O.Ms.No.125, Municipal Administration and Water Supply Department, dated 20.08.2013 and the recommendations of the third respondent before appointing candidates under direct recruitment based upon the notification issued in Na.Ka.2156/2015/C2 dated 1.10.2015 as published in Tamil News Paper (Daily Thanthi dated 4.10.2015).

For Petitioner : Mr.R.Karthikeyan
For R1,R2 : Mr.V.Subbiah,
SPl.Govt.Pleader
For R3 : Mr.M.Rajamathivanan

ORDER

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

2 The petitioner was appointed as an Office Assistant on 09.01.1997 in the services of the erstwhile Erode Municipality and his services were subsequently regularised and from 01.01.2008 onwards, the Erode Municipality has been upgraded as Erode Municipal Corporation. The petitioner states that he has got all required qualification for getting appointment to the post of Junior Assistant-cum-Typist in the 3rd respondent/Corporation and in this regard, very many representations have been submitted and the 3rd respondent has also made a positive recommendation to the 2nd respondent vide letter in Na.Ka.No.C2/4647/2013 dated 13.05.2015 and however no orders have been passed and in the interregnum, the 3rd respondent has issued a notification calling for direct recruitment to fill up 9 vacancies in respect of the said post and hence, challenging the legality of the said notification, the petitioner came forward to file this writ petition.

3 This Court heard the submissions of the learned counsel for the petitioner and Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the first and second respondents. Mr.K.Rajamathivanan, learned counsel who accepts notice on behalf of the third respondent and who on instructions, would submit that the impugned notification pertains to direct recruit vacancy alone and five more vacancies are there to be filled up by promotion and the said submission on instructions, is placed on record.

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 claim projected by the petitioner, directs the 2nd respondent to act on the proposal/recommendation made by the 3rd respondent in letter No. Na.Ka.No.C2/4647/2013 dated 13.05.2015 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.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Secretary to Government,
The State of Tamil Nadu,
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,
Erode Corporation,
Erode.

1 CC to Mr.R.Karthikeyan, Advocate SR.No. 57237

1 CC to Mr.M.Rajamathivanan, Advocate SR.No. 57323

1 CC to the Government Pleader, SR.No. 57697

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GR (CO)
PSI (29.10.2015)