

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34135 of 2015

R.Kanagaraj

... 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

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India 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 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 26.09.1996.

For Petitioner : Mr.P.Rajendran

For Respondents 1 & 2 : Mr.S.Gunasekaran
Government Advocate

For Respondent 3 : Mrs.K.Bhuvaneswari

O R D E R

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

2. The petitioner would state that he was initially appointed as Skilled Assistant Grade-II on 17.07.1998 in the erstwhile Salem Municipality, which has subsequently become Salem Corporation. He was promoted as Skilled Assistant Grade-I on 15.10.2012 and worked in that capacity. It is further stated that the Government of Tamil Nadu has issued 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 and vide G.O.Ms.No.237, Municipal Administration and Water Supply (Election), Department, dated 26.09.1996, the Government issued the Tamil Nadu Municipal Corporation Service Rules, 1996 and as per the said Service Rules, all technical posts were grouped and classified under three categories viz., (a) Technical Assistant (with scale of pay of Rs.1350-2200), (b) Skilled Assistant Grade - I (Rs.1100-1660) and (c) Skilled Assistant Grade-II (Rs.975-1500) and the said Rules came into force with effect from 01.10.1996 and though it was indicated that the same need not be applied to the existing employees and the qualification prescribed for appointment to the post of Skilled Assistant Grade-II is SSLC pass plus ITI Certificate. The Managing Director of the Tamil Nadu Water Supply and Drainage Board followed the above said orders of the Government and upgraded the Grade II posts of Fitter Grade-II, Electrician Grade-II etc., with SSLC pass and ITI certificate as Grade-I and revised the scale of pay as applicable to Grade-I posts. In some of the local bodies viz., Veerappanchathiram and Vellakoil Municipalities, the employees got upgradations and revision in the scale of pay and the said actions were ratified by the Government in G.O.Ms.No.123, Municipal Administration and Water Supply Department Dated 28.02.2011. The grievance of the petitioner is that such upgradation has not been given to him and in this regard, he has sent a representation dated 16.02.2015 to the third respondent and since no response is forthcoming, he has come forward to file this writ petition.

3. Heard the submissions of the learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate accepts notice on behalf of respondents 1 and 2 and

Mrs.K.Bhuvaneswari, learned standing counsel accepts notice on behalf of the third respondent.

4. Though the petitioner prays for a larger relief, in the light of the facts and circumstances of the case, without going into the merits of the same, directs the third respondent to consider the petitioner's representation dated 16.02.2015, on merits and in accordance with law and following G.O.Ms.No.237, Municipal Administration and Water Supply Department, dated 26.09.1996 and pass orders 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(CS III)

//True Copy//

Sub Assistant Registrar

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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.

+1cc to Mr.P.Rajendran, Advocate, S.R.No.58584

+1cc to the Government Pleader, S.R.No.58789

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VD(CO)
CA(17/11/2015)