

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2015

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.37336 of 2015

S.Sambasivam

... Petitioner

Vs.

The Commissioner of Municipal Administration  
Chepauk, Chennai-5.

2.The Secretary to Government,  
Municipal Administration and Water Supply Department,  
Secretariat, Chennai-9. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to pass appropriate orders on the appeal petition submitted by the petitioner dated 23.09.2015 and the reminder on 20.10.2015 in the light of the orders passed by the Government in GO.Ms.No.39 P&AR Department, dated 30.04.2014, so as to consider the name of the petitioner for promotion as Overseer/Draftsman from the date of promotion of his junior.

For Petitioner : Mr.T.Ranganathan

For Respondent : M/s.V.Jayaprakash Narayanan, Spl.GP.

O R D E R

The case of the petitioner is that initially he was appointed as Technical Assistant in the year 1992 at Kallakurichi Municipality based on his qualification as Diploma in Mechanical Engineering and subsequently promoted as Work Inspector by an order of the first respondent dated 16.07.2007 and posted at Panruti Municipality. As per the seniority list issued by the first respondent, the petitioner should have been promoted and he is entitled for the post of Supervisor/Draftsman.

2.The claim of the petitioner was rejected by the first respondent in his memorandum Na.Ka.No.40091/14/F3 dated 16.10.2015 stating that he has not possessed prescribed educational qualification. Aggrieved by the said order, the petitioner preferred an appeal petition before the second respondent dated 23.09.2015, which is not considered till now and hence the present writ petition by the petitioner herein.

3.The learned Special Government Pleader submitted that there is no statutory appeal remedy available to the petitioner and the appeal petition should be treated as representation.

4.Heard the submissions of Mr.T.Ranganathan, appearing for the petitioner and Mr.V.Jayaprakash Narayanan, Special Government Pleader who accepts notice on behalf of the respondents.

5.Though the petitioner has prayed for a larger relief, this court, in the light of the above facts and circumstances directs the second respondent to consider the appeal petition/representation of the petitioner dated 23.09.2015 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order and communicate the decision taken, to the petitioner.

6.The Writ Petition is disposed of accordingly. No costs.

Sd/-  
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To  
The Commissioner of Municipal Administration  
Chepauk, Chennai-5.

2.The Secretary to Government,  
Municipal Administration and Water Supply Department,  
Secretariat, Chennai-9.

+1 cc to The Government Pleader, sr.63930  
+1 cc to Mr.T.Ranganathan, Advocate, sr.63513

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pa co  
kra 15.12.2015