

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.38737 of 2015

and

M.P.No.1 of 2015

1.P.Gurusamy
2.M.Loganathan
3.M.V.Babu
4.P.Durairaj
5.K.Raja
6.K.Sundhar
7.A.Mohandhas
8.N.Malaiyappan
9.T.Panneerselvam
10.S.Prabakar
11.A.Vetrivelmurugan
12.D.Gunasekaran

...Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. by its
Principal Secretary to Government,
Municipal Administration &
Water Supply Department,
Secretariat, Fort St. George,
Chennai 600 009.

2.The Director of Town Panchayats,
Kuralagam,
Chennai 600 108.

3.The District Collector,
Karur District,
Karur.

4.The District Collector,
Namakkal District,
Namakkal.

WEB COPY

5.The District Collector,
Krishnagiri District,
Krishnagiri.

6.The District Collector,
Cuddalore District,
Cuddalore.

7.The District Collector,
Thanjavur District,
Thanjavur.

8.The District Collector,
Villupuram District,
Villupuram.

9.The District Collector,
Nagapattinam District,
Nagapattinam.

10.The District Collector,
Tiruchirapalli District,
Tiruchirapalli.

11.The District Collector,
Sivagangai District,
Sivagangai.

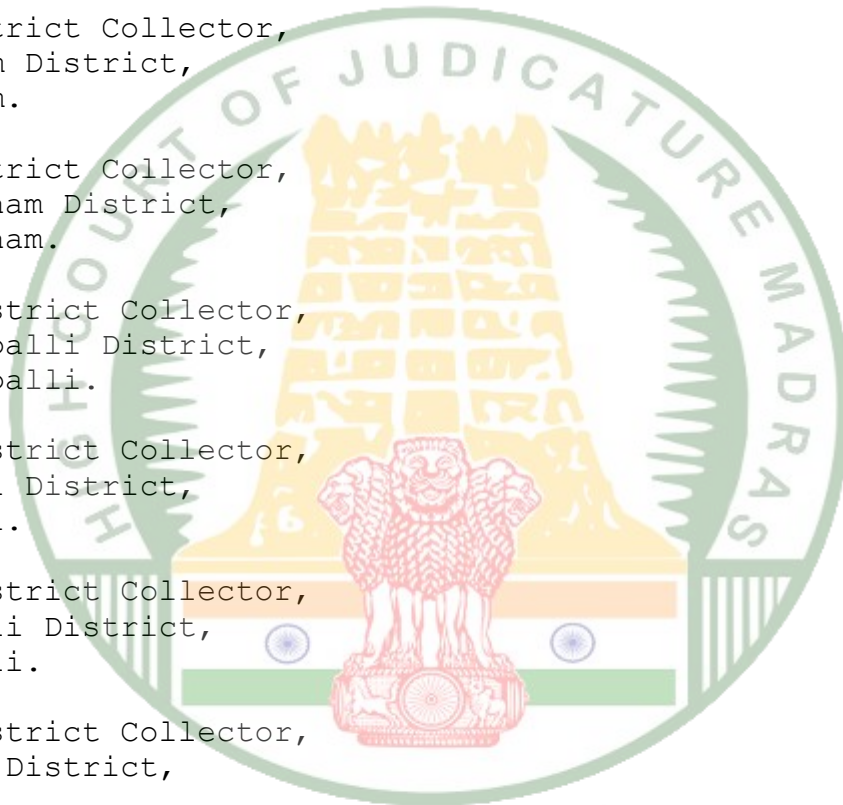
12.The District Collector,
Tirunelveli District,
Tirunelveli.

13.The District Collector,
Tuticorin District,
Tuticorin.

14.The District Collector,
Erode District,
Erode.

15.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

16.The District Collector,
Salem District,
Salem.



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17.The District Collector,
Coimbatore District,
Coimbatore.

18.The District Collector,
Nilgiris District,
Nilgiris.

19.The District Collector,
Theni District,
Theni.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents to consider the petitioners promotion to the post of Sanitary Inspector in the existing vacancies on completion of Sanitary Inspector course training as permitted in G.O(Pa).No.84 Health and Family Welfare (L.1) Department dated 23.01.2015 by forbearing the appointing authorities/the District Collectors of each district from filling up the existing vacancies to the post of Sanitary Inspector, by considering the representation submitted by the petitioners dated 05.06.2015 through its Town Panchayat Employees Union.

For Petitioners : Mr.G.Sankaran

For Respondents : Mr.S.Gunasekaran
Government Advocate

ORDER

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

2. The case of the petitioners is that they were initially appointed as Sanitary Supervisors and they joined duty in the year 1998, 2000, 1998, 2001 etc. and they continued to work in the same place without any promotional opportunity. The petitioners would claim that they are entitled for promotion to the post of Sanitary Inspector as per Service Rules on completion of Sanitary Inspector Training Course conducted by the Director of Public Health and Preventive Medicine. Now they are undergoing training as per the order issued in G.O.Ms.No.84 Health and Family Welfare Department, dated 23.01.2015 and in the meanwhile, the respondents are taking steps to fill up the vacancies. If the existing vacancies are filled up, the right of promotion to the petitioners would be denied. Therefore, in this regard, a representation was sent by the Tamil Nadu Town

Panchayat Employees Association to the second respondent on 05.06.2015 praying not to appoint any Sanitary Inspectors and to provide them promotional opportunity. Since it was not considered, the present writ petition has been filed.

3. Heard the submission of Mr.G.Sankaran, learned counsel appearing for the petitioners and Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents.

4. The learned Government Advocate appearing for the respondents vehemently contended that the petitioners are entitled to promotion to the post of Sanitary Inspector only on completion of training and as on date they are not qualified. Therefore, the present writ petition is premature. Further there is no proof for submitting the representation dated 05.06.2015.

5. It is not in dispute that the petitioners were permitted to undergo Sanitary Inspector Training pursuant to issuance of G.O.Ms.No.84 Health and Family Welfare Department, dated 23.01.2015 and the petitioners are also undertaking the training.

6. Mr.G.Sankaran, learned counsel appearing for the petitioners would submit that the petitioners may be permitted to give one more representation to the second respondent and the same may be considered on merits and in accordance with law.

7. Considering the rival submissions made by either side, this Court directs the petitioners to give separate representations to the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent shall consider and pass orders on merits and in accordance with law, within a period of six weeks thereafter and communicate the decision taken by him to the petitioners.

8. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
ASSISTANT REGISTRAR (CS-III)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

cla

To

1.Principal Secretary to Government,
State of Tamil Nadu,
Municipal Administration &
Water Supply Department,
Secretariat, Fort St. George,
Chennai 600 009.

2.The Director of Town Panchayats,
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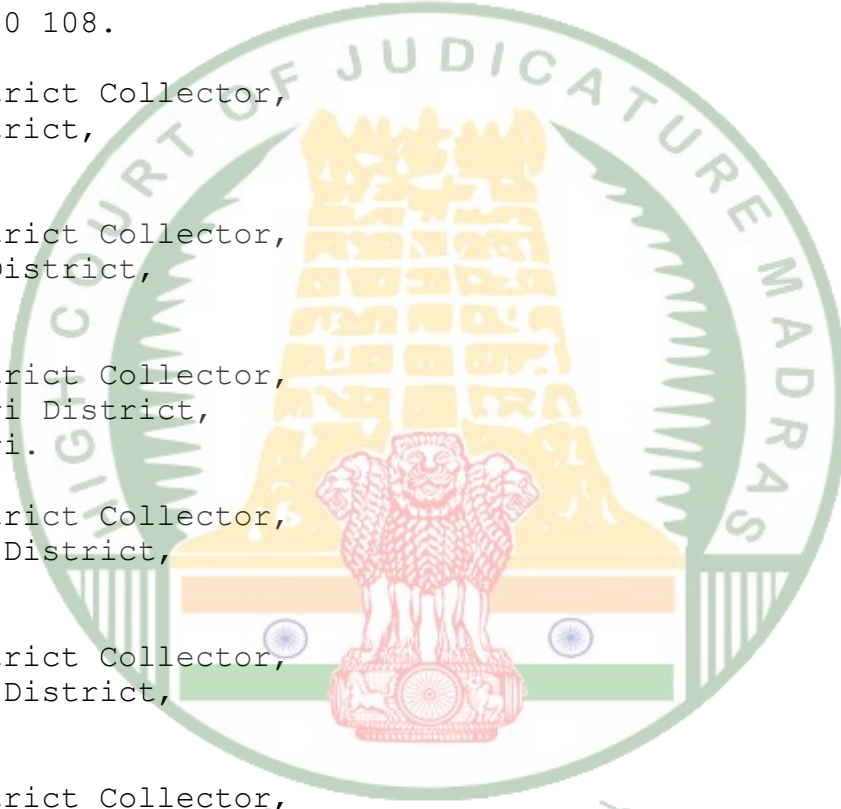
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Theni District,
Theni.

+1 CC to MR.G.Sankaran Advocate. SR.NO. 66299
+1 CC to Govt.Pleader. SR.NO. 66624

W.P.No.38737 of 2015
and M.P.No.1 of 2015

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CO-CNR
JD 22/12/2015