



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated: 25/6/2015

C O R A M

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Writ Petition (MD) No.10422 of 2015
and
M.P. (MD) Nos.1 to 3 of 2015

Kottaimuthu

... Petitioner

Vs

1.The Commissioner,
Municipal Administration,
Chepauk, Chennai - 600 005.

2.The Regional Director,
Municipality Administration, Madurai - 625 002.

3.The Commissioner,
Palani Municipality, Palani,
Dindigul District.

.... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent pertaining to the impugned order in Na.Ka.No.6623/2014/H1, dated 15.04.2015 and quash the same as illegal and arbitrary and consequently direct the 3rd respondent to give promotion to the petitioner's in the existing two vacant Sanitary Supervisor post in the 3rd respondent municipality within the time that may be stipulated by this Court.

For Petitioner
For Respondents

... Mr.A.D.Ganeshamoorthi
... Mr.K.Mahesh Raja, GA

O R D E R

This writ petition has been filed praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent pertaining to the impugned order in Na.Ka.No.6623/2014/H1, dated 15.04.2015 and quash the same, as illegal and arbitrary and consequently, direct the 3rd respondent to give promotion to the petitioner's in the existing two vacant Sanitary Supervisor posts in the 3rd respondent Municipality.

2.It is represented by the petitioner that petitioner is admittedly senior, as per the Circular, dated 25.06.2012, which states seniority of employees. In that, the petitioner's name finds a place '3' out of '7'. Subsequently, the 3rd respondent Municipality has preferred another list, in which his juniors have been placed in Sl.Nos.1 and 2 and the petitioner has been placed in Sl.No.3. Moreover, the petitioner, the petitioner has completed plus two but his juniors, who have been placed in S.Nos.1 and 2, not yet completed plus two. Therefore, a representation, dated 21.05.2015 has been submitted to the 3rd respondent and the same has not been considered so far.



3. The relief sought for by the petitioner to promote him in the two vacant sanitary supervisors posts in the 3rd respondent Municipality, within the time prescribed, cannot be granted by this Court, as firstly, the petitioner has not made the person, who is likely to be affected as party to the proceedings and they are necessary and proper parties. That apart, the seniority list for promotion specifically states that the petitioner will have to make a representation and that the petitioner has made a representation on 21.05.2015 within 3 days from the date of receipt of the seniority list, the case of the petitioner, based on his representation shall be considered, taking into account after hearing the necessary parties, who are likely to be affected. Time lime for completing such exercise is one month from the date of receipt of a copy of this order.

4. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner, Municipal Administration,
Chepauk, Chennai - 600 005.

2.The Regional Director,
Municipality Administration, Madurai - 625 002.

3.The Commissioner,
Palani Municipality, Palani, Dindigul District.

+1cc to MR.A.P.GANESHAMOORTHY, Advocate in SR.No. 33740

Mpk

SR : 31.07.2015 : 2p/5c

Writ Petition (MD) No.10422 of 2015
25/6/2015