

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****14/05/2015****CORAM****THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM****W.P. (MD) No.8132 of 2015****WEB COPY**

T.Sangilimuthu

... Petitioner

vs

1.The Commissioner of Municipal Administration
Chepaukkam, Chennai.

2.The Regional Director of Municipal Administration
Tirunelveli.

3.The Commissioner
Vikiramasingapuram Municipality,
Tirunelveli District. ... Respondents

prayer: Writ petition is filed under Article 226 of the Constitution of India praying for an issuance of a writ of Certiorarified Mandamus to call for the records pertaining to the paper notification issued by the 3rd respondent in Na.Ka.No.217/2013/C1 dated 16.04.2015 published in Daily Thanthi on 18.04.2015 in so far as the post of Office Assistant is concerned and quash the same and direct the respondents to promote the petitioner as Office Assistant.

For Petitioner : Mr.V.Panneer Selvam for
M/s.C.S.Associates

For Respondents : Mr.D.Muruganandham
Addl.Government Pleader

ORDER

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

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3. The petitioner has filed this writ petition for issuance of a writ of Certiorarified Mandamus to quash the notification issued by the third respondent dated 16.04.2015 insofar as it relates to filling up of one vacancy in the post of Office Assistant in the respondent Municipality.

4. The petitioner would state that he has passed 10th standard and is working as a Watchman in the respondent Municipality for about 20 years and fully eligible to be considered for promotion



to the post of Office Assistant. The petitioner earlier approached this Court by filing a writ petition in W.P.(MD) No.13555 of 2014 praying for issuance of a writ of mandamus directing the respondents to promote the petitioner as Office Assistant by considering his representation. The said writ petition was disposed of by order dated 04.09.2014, directing the petitioner's representation to be considered on merits within a time frame. Thereafter the petitioner has submitted a representation on 31.10.2014 enclosing a copy of the Court order. Till date, no action has been taken on the said representation in spite of the direction issued by this Court. In the meantime, the impugned notification has been issued by the respondent Municipality and the petitioner has approached this Court challenging the same.

5. The learned Additional Government Pleader, on instructions from the respondent Municipality, submitted that there are two posts of Office Assistants lying vacant in the respondent Municipality and the respondent Municipality proposes to fill up only one post.

6. It is to be noted that the petitioner is functioning as a Watchman for several years in the respondent Municipality and he has earlier approached this Court for a direction to promote him and this Court directed the respondent to consider the petitioner's representation, which has not been considered till date. Though the respondent Municipality proposes to fill up one post, the petitioner being an in-service candidate and said to possess the requisite educational qualification, the respondent Municipality can very well consider the petitioner's case also along with the other persons, who compete from the open market. While considering the petitioner's case, the respondent shall not site the petitioner's age as a bar for consideration.

7. Accordingly, there will not be any necessity to quash the impugned notification and there will be a direction to the third respondent to consider the petitioner's candidature for appointment to the post of Office Assistant in the notified vacancy or in the 2nd vacancy along with the other candidates, who apply pursuant to the impugned notification.

The writ petition stands disposed of with the above direction. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(AS)

/True Copy/



To

1.The Commissioner of Municipal Administration
Chepaukkam, Chennai.

2.The Regional Director of Municipal Administration
Tirunelveli.

3.The Commissioner
Vikiramasingapuram Municipality,
Tirunelveli District.

+1cc to Mr.V.Paneerselvam,Advocate Sr.No. 25296

+1cc to Spl.Government Pleader Sr.No. 25610

rr

AA/20.05.2015/3p - 6c/

Order made in
W.P. (MD) No.8132 of 2015
14/05/2015