

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10253 of 2016

1 A.Lakshmanan [ Petitioner ]  
Vs.

1 The Secretary to Government  
Municipal Administration and Water Supply Department  
Secretariat, Chennai-600 009.

2 The Commissioner of Municipal Administration  
Chepauk, Chennai-600 005.

3 The Commissioner  
Coimbatore City Municipal Corporation  
Coimbatore-641 001. [ Respondents ]

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the 1st respondent to pass appropriate order on the representation of the petitioner dated 18.01.2016 within a reasonable period as may be fixed by this Honourable Court.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.A.Kumar, SGP

O R D E R

Heard the learned counsel for the petitioner and Mr.A.Kumar, learned Special Government Pleader, who took notice for the respondents and with their consent, the main writ petition itself is taken up for hearing.

2. This writ petition has been filed seeking a writ of mandamus, directing the first respondent to pass orders on the representation of the petitioner dated 18.01.2016 within a reasonable period.

3. The petitioner is now serving as Executive Engineer. According to him, he is entitled for promotion to the post of City Engineer. Therefore, he has submitted a representation

dated 18.1.2016 to the first respondent to consider his request for promotion to the post of City Engineer in Coimbatore City Municipal Corporation. Since no fruitful action is taken, he has come to this Court with the aforesaid prayer.

4. The learned Special Government Pleader appearing for the respondents submitted that in the representation submitted by the petitioner, he himself has admitted the pendency of the charge memo against him, therefore no fruitful purpose would be served by disposing of his representation.

5. If the charge memo is pending against the petitioner, he should have definitely and precisely mentioned in the affidavit whether the charge memo has been issued after the due date or on the date of consideration. But nothing has been mentioned with regard to that aspect. The affidavit also keeps silence with regard to the crucial date of consideration. Again, nothing has been mentioned whether he was due for promotion before the issuance of charge memo. Therefore, in my considered view, the pendency of the chargememo is an impediment for considering his claim for promotion. Hence, this court is not inclined to entertain the prayer sought for by the petitioner. Hence, writ petition fails and the same is dismissed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ajr

To

1 The Secretary to Government  
Municipal Administration and Water Supply Department  
Secretariat, Chennai-600 009.

2 The Commissioner of Municipal Administration  
Chepauk, Chennai-600 005.

3 The Commissioner  
Coimbatore City Municipal Corporation  
Coimbatore-641 001.

+1 cc to Government pleader sr.17726

+1 cc to Mr.T.Ranganathan Advocate sr.17404

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