

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.05.2016

CORAM:

THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.13225 of 2016

M.Velmurugan

... Petitioner

Vs.

1. The District Collector,
Collectorate,
Thiruvannamalai District,
Thiruvannamalai.
 2. The Assistant Director of Town Panchayat,
Vellore Circle,
Vellore.
 3. Kannamangalam Town Panchayat,
rep. By the Executive Officer,
Kannamangalam,
Thiruvannamalai District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to promote the petitioner to the post of Junior Assistant/Bill Collector under 20% quota prescribed by the Government in G.O.Ms.No.150 Municipal Administration and Water Supply Department, dated 19.08.1998 and the Government Letter in Ka.No.37790/Peroo2/98-2, Municipal Administration and Water Supply Department, dated 22.03.1999 with effect from the date of his promotion with all monetary and service benefits.

For Petitioner : Mr.R.Singaravelan
Senior Counsel
for Ms.M.Srividhya

For Respondents : Ms.P.Kavitha,
Government Advocate

O R D E R

This Writ Petition is filed praying for a direction to the respondents to promote the petitioner to the post of Junior Assistant/Bill Collector under 20% quota prescribed by the

Government in G.O.Ms.No.150 Municipal Administration and Water Supply Department, dated 19.08.1998 and the Government Letter in Ka.No.37790/Peroo2/98-2, Municipal Administration and Water Supply Department, dated 22.03.1999 with effect from the date of his promotion with all monetary and service benefits.

2. It is seen that the petitioner was selected for appointment to the post of Sweeper/Sanitary Worker through Employment Exchange on merits and he joined service on 01.05.1998 on consolidated pay on the basis of the order passed by the Commissioner of Town Panchayats, Chennai vide proceedings dated 17.10.1997. On the basis of the order passed by the Government vide G.O.Ms.No.60, dated 23.06.2006, the 3rd respondent, by an order dated 07.08.2006 granted the benefit of regular time scale of pay to the petitioner. Pursuant thereto, this Court passed an order on 25.07.2013, based on which, the 3rd respondent passed an order dated 07.05.2014 regularising the services of the petitioner with effect from 01.05.2001 and declaring the successful completion of probation with effect from the afternoon of 30.04.2003.

3. According to the petitioner, he is a regular employee of the 3rd respondent Town Panchayat and he has passed S.S.L.C. in 1992 and B.A. through Correspondence in 2014. It is his case that he is entitled to be considered for promotion to the post of Junior Assistant/Bill Collector Grade I under 20% quota allocated for promotion to the candidates in the lower post of Sweeper, Office Assistant, Watchman, Record Clerk to the post of Junior Assistant subject to the possession of successful completion of S.S.L.C. It is the grievance of the petitioner that he is entitled to be considered for the above promotion under 20% quota. It is also his submission that he is included in the District Seniority notified by the 1st respondent in his proceedings dated 12.02.2015 vide S.No.125. Since the respondents have not considered the petitioner for promotion inspite of his qualification in the seniority list dated 12.02.2015 under 20% quota, the petitioner made a representation dated 08.06.2015 to the 1st respondent for promotion to the post of Junior Assistant under 20% quota. Thereafter, the petitioner received a Memo dated 14.09.2015 from the 2nd respondent informing him that his claim will be considered as per the Rules. Even after a lapse of nearly a year, since the petitioner's claim for promotion is not considered, he has approached this Court by way of the present Writ Petition.

4. Heard Mr.R.Singaravelan, learned Senior Counsel appearing for the petitioner and Ms.P.Kavitha, learned Government Advocate appearing for the respondents.

5. Learned Government Advocate submitted that she has no objection in the petitioner's representation dated 08.06.2015

being considered by the respondents, based on the recommendation dated 14.09.2015 given by the 2nd respondent.

6. In view of the above, the 1st respondent herein is directed to consider the petitioner's representation dated 08.06.2015 based on the recommendation dated 14.09.2015 given by the 2nd respondent and pass appropriate orders within a period of four (4) weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected W.M.P.No.11595 of 2016 is closed.

aeb

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Collectorate,
Thiruvannamalai District,
Thiruvannamalai.
2. The Assistant Director of Town Panchayat,
Vellore Circle,
Vellore.
3. Kannamangalam Town Panchayat,
rep. by the Executive Officer,
Kannamangalam,
Thiruvannamalai District.

KR/10/6/16

W.P.No.13225 of 2016

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