

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.1524 of 2016

and

WMP.No.1294 of 2016

1. Karuppusamy
2. P.Sakthivel
3. R.Veerawamy
4. G.Ramachandra Kumar
5. Rajagopal
6. P.Senthil Kumar
7. K.Chellamuthu
8. R.Gunasekaran
9. K.Baskaran
- 10.K.Gajendran
- 11.M.Ravichandran

... Petitioners

Vs

1. Secretary to Government
Municipal Administration and Water Supply
Department,
Fort St. George,
Chennai-600 009.
2. Commissioner
Municipal Administration,
Ezhilagam, Chepauk,
Chennai-600 005.
3. The Commissioner
Erode Municipal Corporation,
Erode District,
Erode.

... Respondents

Prayer: The Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to act on the communication issued by the 3rd Respondent dated 08.08.2013 enclosing the resolution of the Erode Corporation in Resolution No.655 dated 31.07.2013 thereby relaxing the Educational Qualification from 10th Standard to 8th standard for the appointment of drivers in the

Erode Municipal Corporation and consequently to consider the representation of the petitioners herein dated 19.06.2015 and appoint the petitioners herein as Drivers in the Erode Municipal Corporation.

For Petitioners : Mr.V.Balamurugane

For Respondent : Mr.N.Srinivasan
Nos. 1 & 2 Additional Government Pleader

For Respondent : Mr. M.Raja Mathivanan
No.3.

ORDER

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The prayer in the writ petition is to issue direction to the first respondent to act on the communication issued by the third respondent dated 08.08.2013, by relaxing the Educational Qualification from 10th standard to 8th standard for the appointment of drivers in the third respondent Municipal Corporation.

3. The Case of the petitioners is that they have been working as Sanitation workers in the Erode Municipal Corporation. Due to dearth of employees with requisite Heavy Vehicle Licenses, the petitioners are working as drivers (in charge) operating the heavy vehicles.

4. The petitioners would state that the Erode Municipal Corporation was upgraded from a Municipality on 01.01.2008 and functioning as an Integrated City Municipal Corporation. There are 28 posts permitted for drivers in the Erode Municipal Corporation. The petitioners have been discharging their duty as sanitation workers for more than 20 years and as drivers (in charge) for nearly 10 years. But they are drawing salary of a sanitation worker. By a circular dated 21.10.2014, a temporary promotion list was announced by the first respondent herein. The employees, who have passed 10th standard, have been promoted as drivers, whereas, the petitioners, who have completed only 8th standard, have been left out.

5. The petitioners would claim that the Tamil Nadu Government has relaxed the educational qualification to include employees, who have passed 8th standard, based on the communication dated 08.08.2013 of the third respondent addressed to the first respondent through the second respondent, seeking

relaxation of qualification from 10th standard to 8th standard for appointment of drivers, the third respondent has also enclosed the Resolution No.655 dated 31.07.2013 passed by the Erode Corporation. Since no action has been taken by the first respondent, the petitioners sent a representation dated 19.06.2015. But no order has been passed so far. Hence, the present writ petition has been filed.

6. Heard Mr.V.Balamurugane, learned counsel appearing for the petitioner and Mr.N.Srinivasan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 & 2 and Mr.M.Rox Mathivanan, learned counsel appearing for respondent No.3.

7. This Court, considering the submissions of the learned counsel for the petitioners and without going into the merits of the case, directs respondents 1 & 2 to consider the petitioner's representation dated 19.06.2015 and also, the recommendation made by the third respondent dated 08.08.2013 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sms

To

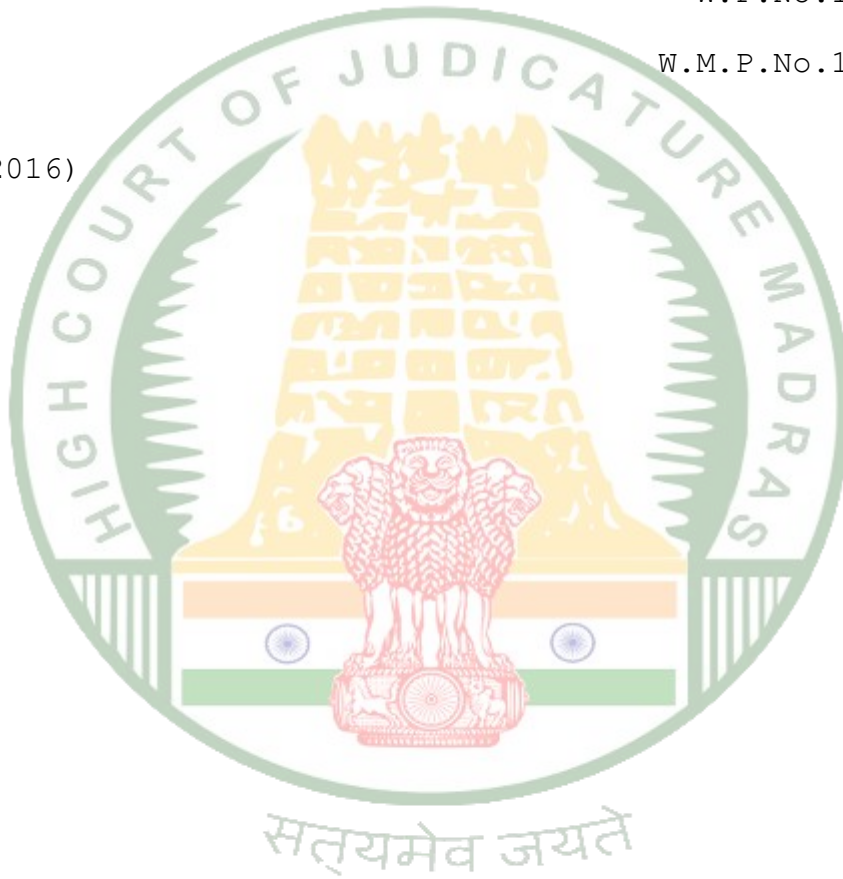
1. Secretary to Government
Municipal Administration and Water Supply
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2. Commissioner
Municipal Administration,
Ezhilagam, Chepauk,
Chennai-600 005.

3. The Commissioner
Erode Municipal Corporation,
Erode District,
Erode.

+1cc to Mr.V.Balamurugane, Advocate, S.R.No.3562
+1cc to Mr.M.Raja Mathivanan, Advocate, S.R.No.2841
+1cc to the Government Pleader, S.R.No.3011

W.P.No.1524 of 2016
and
W.M.P.No.1294 of 2016

GJ(CO)
CA(26/02/2016)



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