

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.18883 of 2016

A.Senthilkumar

[Petitioner]

vs

1. The State of Tamil Nadu
rep.by its Secretary to Government
Municipal Administration and Water
Supply Department
Secretariat, Fort St.George
Chennai 600 009.

2. The Director of Town Panchayats
Kuralagam
Chennai 600 104.

[Respondents]

Prayer: Writ petition is filed under Article 226 of Constitution of India, seeking a writ of mandamus to direct the respondents to pass appropriate orders to incorporate preferential clause for the persons completed Apprenticeship Training under Government of India or State Government Apprenticeship Training Scheme for promotion to the post of Junior Engineer/Assistant Engineer in Tamil Nadu Town Panchayat Engineering Service Rules pending for approval with State Government and to grant approval for Special Rules in Tamil Nadu Town Panchayat Engineering Services with preferential clause for Apprenticeship Training for promotion to the post of Junior Engineer/Assistant Engineer by considering the representation submitted by the petitioner dated 09.04.2016.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.Dig Vijay Pandian
Additional Government Pleader

O R D E R

Mr.Dig Vijay Pandian, the learned Additional Government Pleader takes notice on behalf of the respondents.

2. The prayer in the writ petition is for the issuance of a writ of mandamus to direct the respondents to pass appropriate orders to incorporate preferential clause for the persons completed Apprenticeship Training under Government of India or State Government Apprenticeship Training Scheme for promotion to the post of Junior Engineer/Assistant Engineer in Tamil Nadu Town Panchayat Engineering Service Rules pending for approval with State Government and to grant approval for Special Rules in Tamil Nadu Town Panchayat Engineering Services with preferential clause for Apprenticeship Training for promotion to the post of Junior Engineer/Assistant Engineer by considering the representation submitted by the petitioner dated 09.04.2016.

3. The case of the petitioner is that he was engaged as a Technical Assistant in the Engineering Section in Town Panchayat Services and subsequently, his services were regularised. According to him, at the time of sanctioning of Engineering posts in Town Panchayat Department no Service Rules were framed and the posts were filled by deputation from other Government Departments. The petitioner was also promoted as Draughtsman and his next avenue of promotion is to the post of Junior Engineer/Assistant Engineer in Town Panchayat Engineering Services.

4. The grievance of the petitioner is that in the revised draft rules prepared by the second respondent for Tamil Nadu Town Panchayat Engineering Service Rules, which was sent to approval to the first respondent, no preference has been given to the persons, who are holding Apprenticeship Training certificates. According to the petitioner, insofar as the Technical Post of Junior Engineer/Assistant Engineer it is incumbent for providing preference to the persons who have undergone training for the requisite period under Government of India Schemes or State Government Apprenticeship Training Schemes. Further in the various other Departments, preference have been given to the persons who are holding Apprenticeship Training Certificates. It is his further contention that candidates qualified with Apprenticeship Training ought to be given preference for direct recruitment/promotion to the post of Assistant Engineer. If the same is considered, the candidates who are qualified with the Apprenticeship Training will be benefited. In this regard, he has submitted a representation to the respondents on 09.04.2016, however, till date, the same has not been considered. Hence the present writ petition.

5. Learned counsel appearing for the petitioner would submit that the petitioner would be satisfied, if his representation dated 09.04.2016 submitted to the second

respondent is considered and necessary orders are passed at the earliest before any approval is accorded to the Draft Service Rules pertaining to the Town Panchayat Engineering Services.

6. The learned Additional Government Pleader appearing on behalf of the respondents would submit that giving weightage to the persons who are holding Apprenticeship Training Certificates is only a policy decision of the Government in certain Departments and there cannot be any compulsion on the part of the individual to incorporate the said policy to its various other Departments and the respondents have to look into the same as to whether the same is applicable to the facts and circumstances of the case. However, he would submit that the second respondent will consider the representation submitted by the petitioner and pass orders on the same in accordance with law, within a time frame.

7. In view of the submissions made on either side, without going into the merits of the matter, the second respondent is directed to consider the representation submitted by the petitioner dated 09.04.2016 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and the second respondent shall pass orders, independently, depending on the facts and circumstances of the case.

8. With the above observation, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

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सत्यमेव जयते
Sub Assistant Registrar

To

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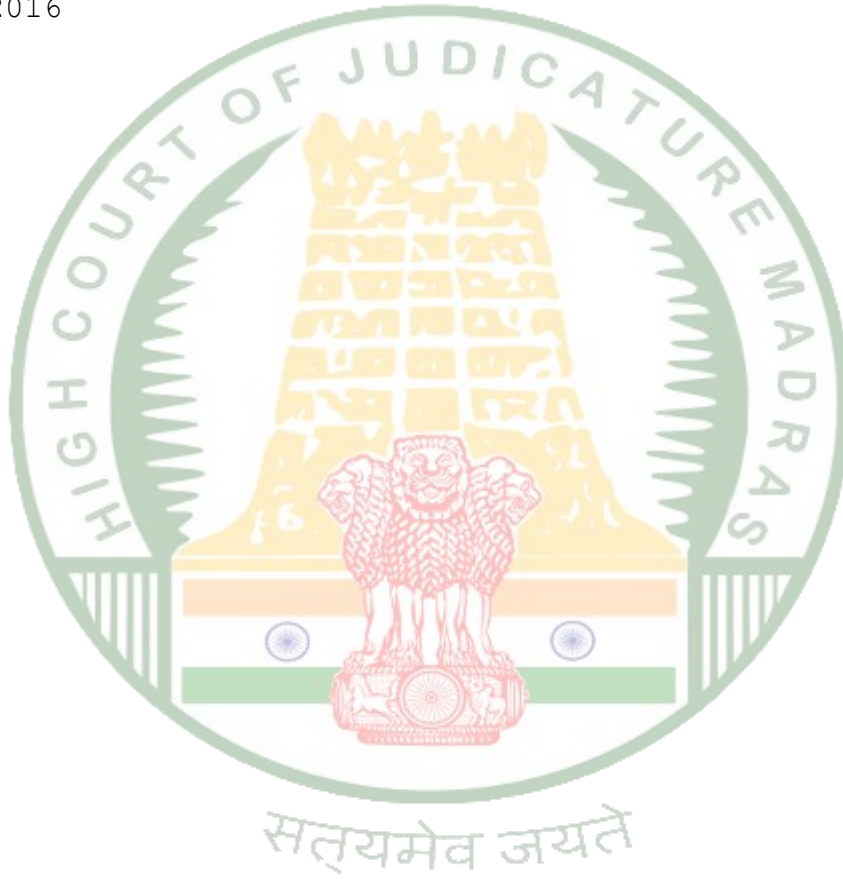
1. The Secretary to Government of Tamil Nadu,
Municipal Administration and Water
Supply Department, Secretariat, Fort St.George,
Chennai 600 009.

2. The Director of Town Panchayats,
Kuralagam, Chennai 600 104.

+1cc to the Government pleader Sr.30154
+1cc to M/S.G.Sankaran, Advocate sr.30416

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nr[co]
srg 16/6/2016



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