

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.No.6663 of 2013
MP.No.1 of 2013

R.Krishnamoorthy, Planning Assistant (Grade I),
32, KKR Avenue, Perambur Chennai-11 Petitioner

Vs

- 1.The Chennai Metropolitan Development Authority
by its Member Secretary, Chennai-8
- 2.N.K.Ramesh, Planning Assistant (Grade I)
The Chennai Metropolitan Development Authority
Chennai-8 Respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st Respondent to promote the Petitioner as the Assistant Planner, by considering and passing orders on the representation of the Petitioner dated 27.3.2012.

For Petitioner : Mr.S.Ramesh
For Respondent : Mr.Raja Srinivasan-R1
Mr.V.vijayashankar-R2

ORDER

This Writ Petition is filed to issue a Writ of Mandamus to direct the 1st Respondent to promote the Petitioner as the Assistant Planner, by considering and passing orders on the representation of the Petitioner dated 27.3.2012.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. After some elaborate arguments, the learned counsel for the Petitioner would only contend that since the Petitioner is due to retire on 30.7.2016, his representation dated 27.3.2012 for relaxation of the rules relating to service experience made to the 1st Respondent may be directed to be considered and disposed of prior to his date of retirement, so that he will get the promotional benefits after his retirement.

4. The learned standing counsel for the 1st Respondent, by filing a counter affidavit, would contend that the representation of Petitioner dated 27.3.2012 has already been considered in negative.

5. The learned counsel for the Petitioner would further contend that in view of the subsequent development that since UGC itself is the competent authority to recognise, it has not been considered at that time nor produced by him and hence, the Petitioner may be permitted to file a fresh representation to the 1st Respondent and the same may be directed to be disposed of, taking into consideration the fact that the Petitioner is due to retire on 30.7.2016.

6. Considering the submissions of the learned counsel on either side, the Petitioner is permitted to make a fresh representation to the 1st Respondent along with new details and on such representation being filed, it is for the 1st Respondent to consider and pass orders, on merits and in accordance with law, on or before his date of retirement i.e. 30.7.2016.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected MP is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Srcm

To:

- 1.The Member Secretary
The Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maaligai,
No.1 Gandhi Irwin Road, Egmore, Chennai-8
 - 2.Planning Assistant (Grade I)
The Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maaligai,
No.1 Gandhi Irwin Road, Egmore, Chennai-8
- 1 cc to Mr.K.RajaShrinivas, Advocate, sr.39391
1 cc to M/s.S.Ramesh, Advocate, sr.39460

WP.No.6663 of 2013

ug co
kra 18.07.2016