

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-06-2016

CORAM

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.19573 of 2016
and
W.M.P.No.16913 of 2016

S.Anandan ... Petitioner

Vs.

1. The Commissioner
Corporation of Chennai
Ripon Building
Chennai 600 003.
2. The Assistant Commissioner
(General Administrative and
Personnel)
Corporation of Chennai
Ripon Building, Chennai 600 003. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the first respondent to dispose of the representation of the petitioner dated 12.08.2015 and 26.05.2016 requesting that the petitioner may be considered for promotion to the post of Assistant Executive Engineer in the Corporation of Chennai in accordance with law.

For Petitioner : Mrs.Nalini Chidambaram SC
for Mrs.C.Uma

For Respondents : Mr.C.Anantharangan
Standing Counsel for
Corporation of Chennai

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O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed seeking to issue a Writ of Mandamus to direct the first respondent to dispose of the representation of the petitioner dated 12.08.2015 and 26.05.2016 requesting to consider him for promotion to the post

of Assistant Executive Engineer in the Corporation of Chennai in accordance with law.

3. The case of the petitioner in brief is as follows:

(i) The petitioner is a Diploma Holder in Civil Engineering and in view of the said qualification, he was appointed to the newly created post of Technical Assistant on temporary basis during the year 1992. Later as per G.O.Ms.No.11 dated 13.01.2006, the services of the petitioner along with 47 others were regularized and subsequently, since there was a ban on recruitment, they were given additional charge as Junior Engineers.

(ii) The grievance of the petitioner is that there are three avenues for promotion to the post of Assistant Executive Engineer in Chennai Corporation Engineering Service Rules, 1969, viz., (i) Engineering graduates who are directly recruited; (ii) persons, who joined as Technical Assistants and were promoted as Junior Engineers who are holding Diploma in Engineering and (iii) from Junior Engineers with Diploma and having 10 years of experience without even becoming Assistant Engineers.

(iii) According to the petitioner, now the respondents have proposed to make an amendment in the existing rules by reducing the work experience and also to drop the third avenue of promotion in the Chennai Corporation.

(iv) His further contention is that as per G.O.Ms.No.124 dated 15.05.2008 in respect of the Public Works Department, the persons who were appointed as Daily wages Technical Assistants were regularized on completion of 2400 days in 10 years and by taking into account the period between the date of completion of 10 years and the date of regularization, they were given promotion and increase in the salary.

(v) The petitioner would contend that even without any amendment to the existing Rules, the petitioner is entitled to get promotion as Assistant Executive Engineer if the respondents implement the policy as stated in G.O.Ms.No.124 dated 15.05.2008 of the Public Works Department to the Corporation of Chennai.

(vi) In this regard, the petitioner along with similarly situated persons have submitted representations to the respondents dated 12.08.2015 and 26.05.2016 seeking to consider them for the 50 vacant posts of Assistant Executive Engineers in the ratio of 3:1 between the degree holders and Diploma Holders. Since there was no response, the petitioner is before this Court.

4. Mrs.Nalini Chidambaram, learned Senior counsel appearing for the petitioner would submit that though the petitioner has sought for a larger relief of considering him to the post of Assistant Executive Engineer, he would be satisfied, if the representation submitted by him along with the similarly situated persons are directed to be considered and disposed of, after giving due opportunity to all the affected persons, within a stipulated time.

5. Mr.C.Anantharangan, the learned Standing Counsel appearing for the respondent-Chennai Corporation would submit that the second respondent is the appropriate authority to consider the representation of the petitioner and he has no serious objection in ordering for such course of action.

6. Having regard to the submissions made on either side and in view of the limited prayer now sought for by the petitioner to consider his representation, this Court, without going into the merits of the claim made by the petitioner directs the second respondents to consider the representation submitted by the petitioner along with other similarly situated persons dated 12.08.2015 and 26.05.2016 and pass appropriate orders on the same, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner as well as to the other persons, who may get affected in this regard, within a period of six weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

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To

1. The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai 600 003.

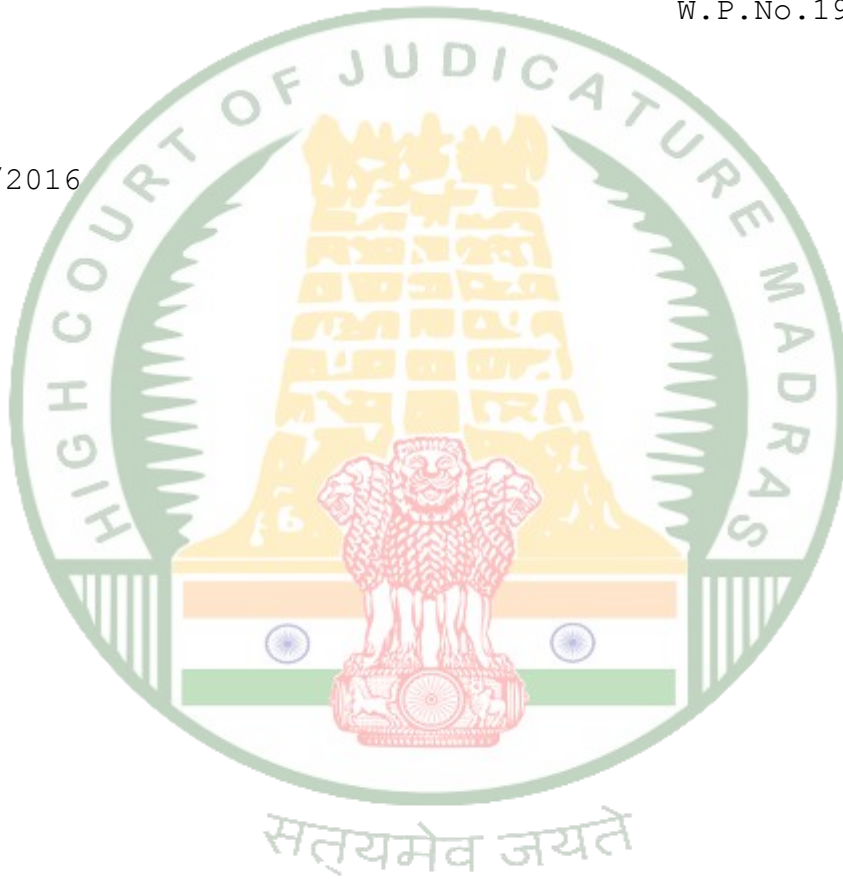
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2. The Assistant Commissioner,
(General Administrative and,
Personnel),
Corporation of Chennai,
Ripon Building, Chennai 600 003.

+1cc to M/S.C.Uma, Advocate Sr.31199

W.P.No.19573 of 2016

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