

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14-06-2016

CORAM

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.20036 of 2016
and
W.M.P.No.17269 of 2016

1. P.Jayaraman
2. V.Mahdava Sankar
3. K.Kumar
4. S.Kasiviswanathan
5. M.Rajamohan
6. S.Anandan
7. M.Muthiah
8. R.Devadoss
9. R.Kasinathan
10. T.Ravivarman
11. T.Jayaramu
12. S.Babu
13. R.Palani
14. A.Rajasekar

... Petitioners

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 petitioners dated 12.08.2015 and 26.05.2016 requesting that the petitioners may be considered for promotion to the post of Assistant Executive Engineers in the Corporation of Chennai in accordance with law.

For Petitioners

:Mrs.Nalini Chidambaram
Sc for
for Mrs.C.Uma

For Respondents

:Mr.G.Anantharangan
Standing Counsel for
Corporation of Chennai

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 petitioners dated 12.08.2015 and 26.05.2016 requesting to consider them for promotion to the post of Assistant Executive Engineers in the Corporation of Chennai in accordance with law.

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

(i) The petitioners are Diploma Holders in Civil Engineering and in view of the said qualification, they were 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 petitioners 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 petitioners 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 petitioners, 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) Their 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 petitioners would contend that even without any amendment to the existing Rules, the petitioners are entitled to get promotion as Assistant Executive Engineers, 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 petitioners 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 petitioners are before this Court.

4. Learned counsel appearing for the petitioners would submit earlier this Court in W.P.No.19573 of 2016 vide order dated 10.06.2016 has considered similar such request of the petitioner therein and directed the respondents to consider the representation submitted by him within a stipulated. Accordingly, she would pray for similar relief in this writ petition also.

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 petitioners 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 earlier order passed by this Court, considering similar such request, this Court, without going into the merits of the claim made by the petitioners direct the second respondent to consider the representation submitted by the petitioners 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 petitioners 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.

vj2

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

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.

+ 1 cc to M/s.C.Uma, Advocate Sr 31874

+ 1 cc to Mr.G.Anantharangan, Advocate Sr 32132