

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2014

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.39479 of 2015
and

WMP.Nos.6287, 3327 of 2016 and M.P.No.2 of 2015

Tamil Nadu Commissionerate of Municipal
Administration All Staff Association
Rep by its General Secretary
6th Floor, Ezhilagam Annexe,
Chepauk,
Chennai-600 005. Petitioner

-vs-

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St George,
Chennai-600 009.
2. The Secretary to Government,
P & AR Department,
Fort St.George,
Chennai-600 009.
3. The Secretary,
Tamil Nadu Public Service Commission
1, Fraser Bridge Road,
VOC Nagar,
Chennai-600 003.
4. Director of Municipal Administration,
6th Floor, Ezhilagam Annexe,
Chepauk,
Chennai-600 005.
5. R.Vinoth
6. R.Kamaraj
7. K.Sennu Krishnan
8. J.Prem Anand
9. A.Veeramuthukumar
- 10.N.Dakshnamoorthy
- 11.N.Sridevi

12.M.Ajitha Barvin
(R5 to R12 are impleaded as per order
dated 16/02/2016 in W.M.P.No.4715 of 2016
in W.P.No.39479 of 2015)

Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the First Respondent relating to G.O.(3D) No.17 MAWS Department Dt.21.08.2015, quash the same and consequently direct the respondents to forthwith make the appointment to the post of Municipal Commissioner, Grade as per the Tamil Nadu Municipal Commissioners Service and Tamil Nadu Municipal Commissioners subordinate service Rules, as framed under G.O.Ms.No.191 Municipal Administration and water supply (ME.1) Department dated 11.08.1998 as proposed by the 4th respondent's letter dated 09.04.2015 and 16.06.2015 and allot the eligible vacancies to the ignored category i.e. three for superintendents.

For petitioners : Mr.P.Srinivas
For Respondents : Mr.A.Kumar
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the proceedings of the First Respondent relating to G.O. (3D) No.17 MAWS Department dated 21.08.2015 and consequently direct the respondents to forthwith make the appointment to the post of Municipal Commissioner, Grade as per the Tamil Nadu Municipal Commissioners Service and Tamil Nadu Municipal Commissioners Subordinate Service Rules, as framed under G.O.Ms.No.191 Municipal Administration and water supply (ME.1) Department dated 11.08.1998 as proposed by the 4th respondent's letter dated 09.04.2015 and 16.06.2015 and allot the eligible vacancies to the ignored category i.e. three of superintendents.

2. Heard the learned counsel for the petitioner as well as learned Special Government Pleader appearing for the respondents.

3. Though no counter was filed by the respondents, the learned Special Government Pleader appearing for the respondents would contend that the writ petition filed by an association is not maintainable. In any event, the association cannot have any locus standi to file the present writ petition. The relief sought for by the petitioner in this writ petition cannot be granted as laid down by the Division Bench of this Court in the decisions reported in (Formation of Indian Network Marketing Association, rep. By its President vs. M/s. Apple FMCG Marketing Pvt Ltd., rep. By its Chief Executive Officer and others) (2005)

Writ Law Reporter 321 and (Tamilaga Asiriyar Kootani, rep. By the General Secretary V. Annamalai vs. The Government of Tamil Nadu, rep. By its Secretary to Government, School Education Department, Chennai - 9 and others) 2005 Writ Law Reporter 389.

4. Heard both sides. At the outset, a preliminary objection has been raised by the learned Special Government Pleader asserting that the writ petition is not maintainable in view of the fact that the petitioner association has come forward with this writ petition with an omnibus prayer. The said argument of the learned Special Government Pleader is well founded. As pointed out by the learned Special Government Pleader, the maintainability of the writ petition filed by an association came up for consideration before the Division Bench of this Court reported in (Tamilaga Asiriyar Kootani, rep. By the General Secretary V. Annamalai vs. The Government of Tamil Nadu, rep. By its Secretary to Government, School Education Department, Chennai - 9 and others) 2005 Writ Law Reporter 389 wherein in para No.15, it was held as follows:-

"15. In our opinion, if any educational institution or Head Master or Teacher is aggrieved by the impugned G.O. Ms. No.13 dated 09.02.2005, they can file a writ petition in this Court, challenging the same, but the appellant-association had no locus standi in the matter. It cannot be said that the educational institutions or Head Masters are so poor that they are unable to approach this Court. If any particular educational institution or Headmaster has a grievance against the impugned G.O. Ms. NO.13 dated 09.02.2005, it is for such a person to file a writ petition or writ appeal, and not for any association. The writ appeal is dismissed on the ground of lack of locus standi. The writ petition is dismissed for the same reason."

5. In the light of the aforesaid decision of this Court, the petitioner association has no locus standi to file the present writ petition. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St George,
Chennai-600 009.
2. The Secretary to Government,
P & AR Department,
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3. The Secretary,
Tamil Nadu Public Service Commission
1, Fraser Bridge Road,
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Chennai-600 003.
4. Director of Municipal Administration,
6th Floor, Ezhilagam Annexe,
Chepauk,
Chennai-600 005.

+1cc to Mr.P.Srinivas, Advocate Sr.41023
+1cc to the Government Pleader Sr.40642

WP No.39479 of 2015

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