

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.35072 of 2016 and

W.M.P.No.30229 of 2016

M.Velmurugan

... Petitioner

vs.

1. The District Collector,
Collectorate,
Thiruvannamalai District,
Thiruvannamalai.

2. The Assistant Director of Town Panchayat,
Vellore Circle, Vellore.

3. Kannamangalam Town Panchayat
rep. by the Executive Officer,
Kannamangalam,
Thiruvannamalai District.

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to promote the petitioner to the post of Junior Assistant/Bill Collector under 20% quota prescribed by the Government in G.O.Ms.No.150, Municipal Administration and Water Supply Department, dated 19.08.1998 and the Government Letter in Ka.No.37790/Peroo2/98-2, Municipal Administration and Water Supply Department, dated 22.03.1999 with effect from the date of the petitioner promotion with all monetary and service benefits.

For Petitioner	:	Mr.R.Singaravelu, Senior Counsel
For Respondents 1&2	:	Mr.R.Venkatesh
For 3rd respondent	:	Mr.T.Jayaramaraj, Government Advocate (CS)

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to promote the petitioner to the post of Junior Assistant/Bill Collector under 20% quota

prescribed by the Government in G.O.Ms.No.150, Municipal Administration and Water Supply Department, dated 19.08.1998 and the Government Letter in Ka.No.37790/Peroo2/98-2, Municipal Administration and Water Supply Department, dated 22.03.1999 with effect from the date of the petitioner promotion with all monetary and service benefits.

2. The case of the petitioner is as follows:

(a) The petitioner was selected for appointment to the post of Sweeper/Sanitary Worker through Employment Exchange and joined on 01.05.1998 on consolidated pay on the basis of the order passed by the Commissioner of Town Panchayats, Chennai in his proceedings dated 17.10.1997. Subsequently, on the basis of the order passed by the Government in G.O.Ms.No.60 dated 23.06.2006 for the grant of regular time scale of pay to the candidates like petitioner, the then Director of Town Panchayats has passed an order dated 26.07.2006 and on the basis of the same, the 3rd respondent has granted the benefit of regular time scale of pay to the petitioner by his order dated 07.08.2006. Further, on the basis of the Government Order in G.O.Ms.No.199 dated 12.08.1997, his service has to be regularised w.e.f. the date of expiry of 3 years from the date of consolidated pay appointment, but, it was not done. Hence, the petitioner filed a Writ Petition in W.P.No.8131 and 8132 of 2008 in which this Court passed an order on 25.07.2013. In obedience of the same, the 3rd respondent has passed an order dated 07.05.2014 regularising his service w.e.f. 01.05.2011 declaring the successful completion of probation w.e.f. the A.N. of 30.04.2003. Thus, the petitioner has become a regular employee of the 3rd respondent Town Panchayat.

(b) Thereafter, the petitioner has passed B.A. Examination. According to the petitioner, he is entitled to be considered for promotion to the post of Junior Assistant/Bill Collector Grade I under the quota of 20% allocated for promotion from the candidates in the lower post of Sweeper, Office Assistant, Watchman, Record Clerk to the post of Junior Assistant subject to the possession of successful completion of SSLC. Accordingly, his name was included in the District Seniority notified by the 1st respondent in his Proceedings dated 12.02.2015 at S.No.125. Though there are vacancies, his name was not considered for promotion under 20% quota. In this regard, the petitioner made a representation dated 08.06.2015 to the 1st respondent and in reply, the 2nd respondent has sent a memo dated 14.09.2015 informing that his claim would be considered as per the rules. But the grievance of the petitioner is that till date, his claim has not been considered.

(c) Therefore, the petitioner filed a Writ Petition in W.P.No.13225/2016 and also filed WMP.No.16092 of 2016 seeking ad

interim injunction restraining the respondents from filling up the post of Junior Assistant/Bill Collector without considering his claim. When the said Writ Petition came up for hearing, this Court directed the 1st respondent to consider his representation and pass orders within the time frame by order dated 26.05.2016. Even after the same, no order is passed by the respondents. Hence, the present Writ Petition.

3. Learned Senior Counsel for the petitioner would submit that the petitioner would be satisfied, if a direction is issued to the 1st respondent to consider the representation of the petitioner dated 08.06.2015.

4. Heard the learned Counsel, who takes notice on behalf of the respondents 1 and 2 and the learned Government Advocate appearing for the 3rd respondent.

5. Considering the submission now made by the learned Senior Counsel for the petitioner, this Court directs the petitioner to give a copy of the representation dated 08.06.2015 along with a copy of this Order to the 1st respondent within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the same, the 1st respondent is directed to pass orders on merits and in accordance with law within a period of four weeks thereafter. It is made clear that this Court has not expressed any opinion regarding the merit of the claim made by the petitioner. It is for the 1st respondent to decide the same on merits.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

tsi

To

1. The District Collector,
Collectorate,
Thiruvannamalai District,
Thiruvannamalai.

WEB COPY

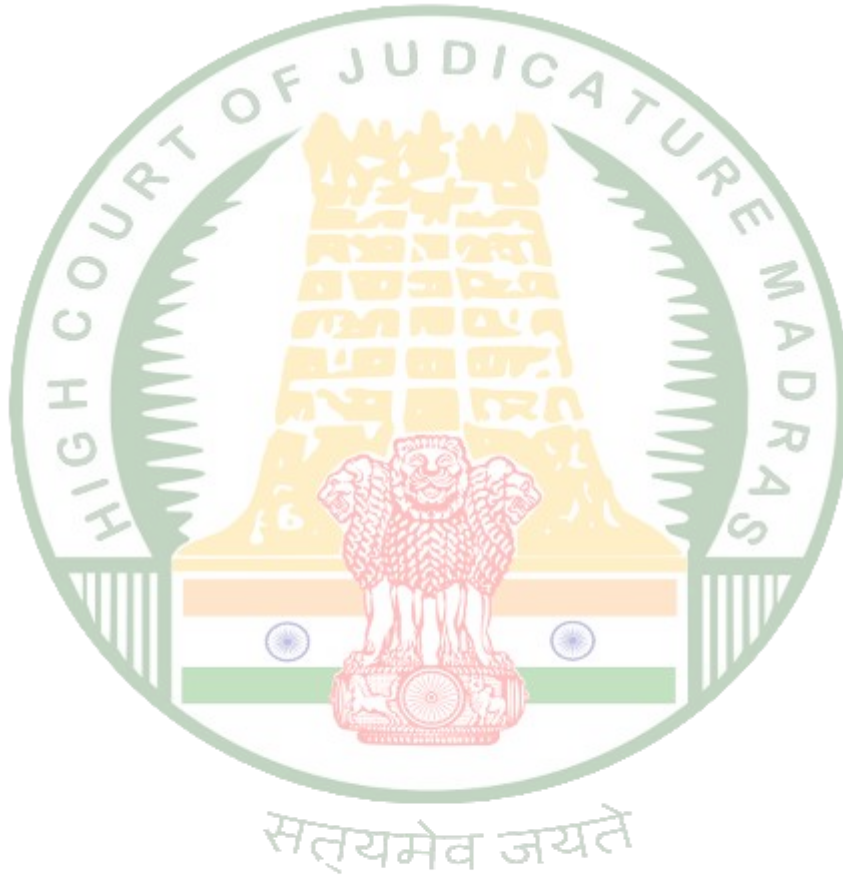
2. The Assistant Director of Town Panchayat,
Vellore Circle, Vellore.

3. The Executive Officer,
Kannamangalam Town Panchayat,
Kannamangalam,
Thiruvannamalai District.

1 c to M/s. M. Srividhya, Advocate, Sr. 57071

W.P.No.35072 of 2016

TRM (CO)
kk 20/10



WEB COPY