

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.41007 of 2016

R.Mohanasundari

.. Petitioner

Vs

- 1 The Secretary to Government
Municipal Administration and Water Supply
Department Fort St. George Chennai-600 009
- 2 The Joint Director
(Corporation) Office of the Commissioner of
Municipal Administration Chepauk Chennai-
600 005
- 3 The Commissioner
Coimbatore Corporation Coimbatore- 642 001

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent herein to forward the recommendation of the third respondent herein issued in Na.Ka. No.2/2012/ MC2 dated 19.1.2016 to the first respondent herein and consequently direct the first respondent herein to pass orders on the recommendation of the third respondent herein in Na.Ka. No.2/2012/ MC2 dated 19.1.2016 in the light of the order issued in G.O. (D) No.329 Municipal Administration and Water Supply (C4) Department dated 25.6.2013 within a stipulated time as deemed fit and proper by this Honourable Court.

For Petitioner	:	Mr.Ravi Shanmugam
For Respondents	:	Mr.K.Dhananjayan, Spl. Govt. Pleader, for R1 and R2 Mr.R.Sivakumar, for R3

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to forward the recommendation of the third respondent issued in Na.Ka. No.2/2012/ MC2 dated 19.1.2016 to the first respondent and consequently, to direct the first respondent to pass orders on the recommendation of the third respondent in Na.Ka. No.2/2012/ MC2 dated 19.1.2016 in the light of the order issued in G.O. (D) No.329 Municipal Administration and Water Supply (C4) Department dated 25.6.2013 within a stipulated time fixed by this Court.

3. It is the case of the petitioner that she joined service as Junior Assistant on 27.11.1987 and subsequently, she was promoted as Upgraded Assistant on 16.10.1996. She was further promoted as Superintendent on 24.7.2010 and as Accounts Officer on 1.2.2013 and later, she was posted as Administrative Officer in July, 2013. The third respondent by proceedings dated 13.11.2014 revised the seniority list of the Superintendents and the petitioner's seniority as Superintendent was revised with effect from 3.6.2009 by including her name in the panel of Superintendents drawn on 1.4.2012, as per which, she is deemed to have been promoted as Superintendent from 3.6.2009 and hence, she is fully qualified to be promoted as Accounts Officer / Administrative Officer as on the crucial date i.e., on 1.4.2012, on completion of two years of service as Superintendent. Her name was also included in the panel of Superintendents fit for promotion as Accounts Officer / Administrative Officer. As per the relevant rules, a Superintendent on completion of two years of service as on 1st April, is eligible for promotion as Accounts Officer / Administrative Officer. In July 2014, the third respondent forwarded his recommendation to the second respondent for relaxation of service rules and confirmation of her promotion as Accounts Officer / Administrative Officer, who in turn, forwarded his recommendation to the second respondent. As per the said recommendation, the petitioner's seniority as Superintendent was revised with effect from 3.6.2009 and she is eligible for promotion as Administrative Officer for the year 2012-13. In this regard, she sent several representations to the respondents to confirm her promotion as Accounts Officer / Administrative Officer and include her name in the revised list of Superintendents drawn as on 1.4.2013 instead of 1.4.2012. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ

petition for the relief set out earlier.

4. Learned counsel appearing for the petitioner submitted that on identical facts and on identical grounds, relaxation and confirmation were granted by the first respondent in G.O. (D) No.329 Municipal Administration and Water Supply (C4) Department dated 25.6.2013 to six persons. Since the petitioner is also similarly placed, she is entitled to the benefit of the said GO.

5. I have also heard the learned Special Government Pleader, who has taken notice on behalf of the respondents 1 and 2 and the learned counsel, who has taken notice on behalf of the third respondent.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to send a fresh representation along with a copy of this order to the first 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 first respondent is directed to consider the said representation and pass appropriate orders, on merits and in accordance with law and based on the recommendation of the third respondent in Na.Ka. No.2/2012/ MC2 dated 19.1.2016 and in the light of the order issued in G.O. (D) No.329 Municipal Administration and Water Supply (C4) Department dated 25.6.2013, within a period of six weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

sbi

Note: Issue order copy on 30.11.2016.

To

- 1 The Secretary to Government
Municipal Administration and Water Supply
Department Fort St. George Chennai-600 009

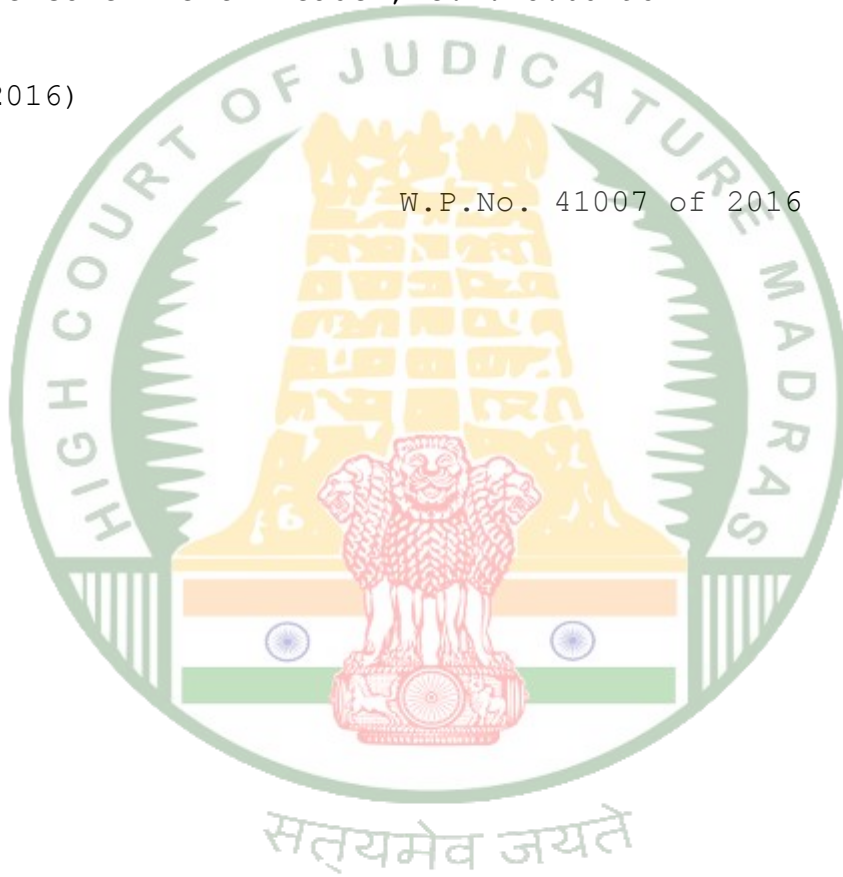
2 The Joint Director
(Corporation) Office of the Commissioner of
Municipal Administration Chepauk Chennai- 600 005

3 The Commissioner
Coimbatore Corporation Coimbatore- 642 001

+1cc to Mr.R. Sivakumar, Advocate, S.R.No.68849
+1cc to Mr.Ravi Shanmugan, Advocate, S.R.No.67948
+1cc to the Government Pleader, S.R.No.68795

sm(CO)
md(30/11/2016)

W.P.No. 41007 of 2016



WEB COPY