

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43266/2016

P.Santhanakalai

..Petitioner

Vs.

The Commissioner of Municipality
Administration, Chepauk,
Chennai 600 005.

..Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the respondent to dispose of the petitioner's representation dated 03.11.2016.

For Petitioner :Mr.S.Ilamvaludhi

For Respondent :Mr.K.Dhananjayan,
Spl. Govt. Pleader

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondent.

2 The petitioner would state that he was appointed as Revenue Assistant [Bill Collector] on 12.09.1985 at Srivilliputhur Municipality in the regular Time scale of Pay and he has also passed the Departmental Test in the year 1986 and vide proceedings of the respondent dated 15.10.2010, he was promoted from the post of Group VII to Group V and he is continuing to hold the said post as on today. It is the claim of the petitioner that as per his seniority, he is eligible to be promoted to the post of Manager / Accountant. But to his surprise, one of his juniors, namely, one Thiru Murthy, was promoted to the post of Manager. The petitioner also claims that as per G.O.Ms.No.222, Municipal Administration and Water Supply Department, dated 30.09.1999, the posts of Revenue Assistant and Junior Assistant are inter-changeable. The petitioner in this regard, has submitted a representation praying for consideration of his claim for promotion to the post of Manager / Accountant and place him above Thiru Murthy and the said representation was also forwarded by the Commissioner, Sivakasi Municipality to the respondent vide

Letter in Na.Ka.No.9553/2015/C1 dated 30.10.2015. The petitioner also submitted a representation dated 03.11.2016 in that regard, through proper channel to the respondent and since no orders have been passed, he came forward to file the present writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondent.

4 This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the respondent to act on the Letter of the Commissioner, Sivakasi Municipality, in Letter No.Na.Ka.No.9553/2015/C1 dated 30.10.2015, in accordance with law, after putting on notice Thiru Murthy, working as the Manager in the services of Sivakasi Municipality and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to Thiru.Murthy, Manager of Sivakasi Municipality.

5 The writ petition stands disposed of with the above direction. No costs.

AP

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Commissioner of Municipality
Administration, Chepauk,
Chennai 600 005.

+ 1 cc to M/s.S.Ilamvaludhi, Advocate Sr 73084

+ 1 cc to The Govt. Pleader, Sr 73668

KR/06/03/17

W.P.No.43266/2016