

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 19.12.2016
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.43505/2016 & WMP.Nos.37332 & 37333/2016

K.Murthy

..

Petitioner

Vs.

1.The Principal Secretary to Government
State of Tamilnadu, Municipal Administration
& Water Supply Department, Secretariat,
Fort St George, Chennai 600 009.

2.The Commissioner of Municipal Administration
Chepauk, Chennai 600 005.

3.The Commissioner
Thanjavur City Municipal Administration
Thanjavur. ..

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for the records relating to the impugned order passed by the 2nd respondent in Na.Ka.No.29333/2014/F4 dated 31.10.2016 and to quash the same and consequently, direct the respondents to pass orders for promoting the petitioner to the post of Technical Assistant/Electrical Superintendent in the 3rd respondent Corporation based on eligibility and seniority of the petitioner with all consequential and other attendant benefits.

For Petitioner: Mr.G.Sankaran

For Respondents: Mr.K.Dhananjayan, Spl.GP

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 respondents.

2 The petitioner was appointed as Wireman in the erstwhile Thanjavur Municipality on 01.12.1995 and his services were regularised from the date of his initial appointment. While in service, the petitioner also qualified himself with

Diploma in Civil Engineering during June 2012 and continued to work in the post of Wireman without any break. The petitioner would further aver that the Thanjavur Municipality was upgraded as Thanjavur City Municipal Corporation from the year 2013 and the Service Rules as framed in G.O.Ms.No.237 of the 1st respondent Department, dated 26.09.1996, is sought to be extended for the said Corporation also and therefore, various posts in the Municipal Services have been grouped into Class and Category post coming under the Corporation Service Rules. It is the claim of the petitioner that he has completed more than 20 years of service in the same post and he has to be grouped as Skilled Assistant Grade-I in the Corporation Service and as a consequence, he is eligible for promotion to the post of Technical Assistant and further, to the post of Junior Engineer Grade-II, based on his seniority and eligibility. The petitioner in this regard, has submitted a representation to the 3rd respondent, who in turn, also forwarded a proposal to the 2nd respondent, which was rejected on 31.10.2016, stating that the Seniority List of the employees is to be prepared as well as the required post and then only, the proposal can be considered and citing the said reason, the 2nd respondent has rejected the same vide impugned Memo dated 31.10.2016 and challenging the legality of the said order, the petitioner is before this Court by filing the present writ petition.

3 Mr.G.Sankaran, learned counsel for the petitioner, on instructions, would submit that in the light of the stand taken by the 2nd respondent, the petitioner may be permitted to submit a representation through proper channel, praying for his accommodation as Technical Assistant / Junior Engineer Grade-II in Municipal service, to the 2nd respondent and as and when it is received by the 2nd respondent, it may be considered in accordance with law.

4 This Court heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents and perused the materials placed before it.

5 In the light of the limited scope of prayer now sought for by the petitioner, this Court, without going into the merits of the claim to be projected by the petitioner, permits the petitioner to submit a representation to the 2nd respondent through proper channel, praying for his accommodation as Technical Assistant / Junior Engineer Grade-II in Municipal Services within a period of two weeks from the date of receipt of a copy of this order and the 2nd respondent, on receipt of the same through proper channel, shall consider the same and pass orders on merits and in accordance with law within a

further period of ten weeks from the date of receipt of the said representation and communicate the decision taken, to the petitioner herein.

6 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

To

- 1.The Principal Secretary to Government
State of Tamilnadu, Municipal Administration
& Water Supply Department, Secretariat,
Fort St George, Chennai 600 009.
- 2.The Commissioner of Municipal Administration
Chepauk, Chennai 600 005.
- 3.The Commissioner
Thanjavur City Municipal Administration
Thanjavur.

+1 cc to Government Pleader sr 74447

+1 cc to M/s.G.Sankaran Advocate sr 74039

WP.No.43505/2016

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