

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9433 of 2016

S.Henry Christy Raj

.. Petitioner

-vs-

1. The Government of Tamil Nadu
rep.by its Principal Secretary
Municipal Administration and Water
Supply Department
Fort St.George
Chennai 600 009
 2. The Director of Town Panchayats
Kuralagam
Chennai 600 108
 3. The Assistant Director of Town Panchayat
Kancheepuram Zone
Kancheepuram District
 4. The Executive Officer
Sriperumbudur Town Panchayat
Kancheepuram District
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the first respondent vide G.O.(3D) No.22 Municipal Administration and Water Supply (TP1) Department dated 28.10.2015 and quash the same in so far as it treats the petitioner as a fresh candidate and consequently direct the first and second respondents to restore seniority as per para 6 of G.O.(Ms.) No.118 Municipal Administration and Water Supply (TP1) Department dated 21.08.2007 and consequently include the petitioner name in the State level seniority list of Executive Officer Grade II/Head Clerk/Assistant in the panel year of 2008-2009 below Thiru J.Mohammed Ibrahim (Serial No.145) and above Tmt.R.Umarani Serial No.146 and further include petitioner name in the seniority list of Executive Officer Grade-I in the panel year of 2011-12, below Thiru J.Mohammed Ibrahim (Serial No.177) and above Tmt.R.Umarani (Serial No.178) and promote the petitioner as Executive Officer Grade II/Head Clerk/Assistant with effect from 24.01.2007 and as Executive Officer Grade-I

with effect from 17.12.2013 with all monetary and other attendant benefits.

For Petitioner :: Mr.K.Rajafor Mr.N.Kolandaivelu

For Respondents :: Mr.P.Chinnadurai
Government Advocate for R1 to R3
Mr.ERA.Premnath for R4

ORDER

Mr.S.Henry Christy Raj, who entered the service as Record Clerk in the Town Panchayat on 31.8.88, was promoted as Junior Assistant on 24.4.2000 with the concurrence of the Tamil Nadu Public Service Commission. While serving as Junior Assistant in Maduravoyal Town Panchayat, since 49 Town Panchayats were re-designated as Third Grade Municipalities, the petitioner's services were also placed at the disposal of the Commissioner of Municipal Administration with effect from 14.6.2004. Subsequently, the petitioner gave his option to remain in the services of the III Grade Municipality. However, the respondents 1 and 2 were not able to cut his lien in the Department of Town Panchayat, for the reason that the services in the Municipality were non-provincialised one, whereas the services in the Department of Town Panchayat were provincialised one. Hence the petitioner has preferred a representation to the respondents on 18.2.2016 seeking to restore his seniority, in the light of the directions issued in paragraph-6 of the G.O.Ms.No.118, Municipal Administration and Water Supply (TP1) Department dated 21.8.2007, as on 24.8.2004, the date on which the staff were re-deployed from the Director of Town Panchayat to the Commissioner of Municipal Administration to look after the functions of the Third Grade Municipalities. This has not been considered. Therefore, the learned counsel for the petitioner sought for a direction to dispose of the representation of the petitioner dated 18.2.2016 in the light of the directions issued in paragraph-6 of the G.O.Ms.No.118, Municipal Administration and Water Supply (TP1) Department dated 21.8.2007.

2. Mr.P.Chinnadurai, learned Government Advocate takes notice on behalf of the respondents 1 to 3. Mr.ERA.Premnath, learned counsel takes notice on behalf of the respondent No.4.

3. This Court, without going to the merits, hereby directs the respondents 1 & 2 to consider the representation of the petitioner dated 18.2.2016 on merits and pass appropriate orders in accordance with law, in the light of the directions issued in paragraph-6 of the G.O.Ms.No.118, Municipal Administration and Water Supply (TP1) Department dated 21.8.2007, within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. Consequently,
W.M.P.No.8396 of 2016 is closed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Principal Secretary to Government
Municipal Administration and Water
Supply Department
Fort St.George
Chennai 600 009
2. The Director of Town Panchayats
Kuralagam
Chennai 600 108
3. The Assistant Director of Town Panchayat
Kancheepuram Zone
Kancheepuram District
4. The Executive Officer
Sriperumbudur Town Panchayat
Kancheepuram District

+ 1 cc to Mr.N.Kolandaivelu Advocate, SR16243

+ 1 cc to Govt.Pleader, High Court, Madras SR 16339

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