

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.9671 of 2016

1. R.Jayakumar
 2. P.Jayachandran
 3. P.Manikandan
 4. K.Kanagaraj
 5. A.Abuthahir
 6. S.Karunakaran
 7. D.Sumathi
- ... Petitioners

vs.

1. The State of Tamil Nadu
rep. By its Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai 9.
 2. The Commissioner of Municipal Administration,
Chepauk, Chennai 600 005.
 3. The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore, Coimbatore District.
- ... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of mandamus directing the 3rd respondent to consider the claims of the petitioners and issue work allotment order to the petitioners for the post of Revenue Inspector (Special) in accordance with G.O.Ms.No.140, MA & WS Department, dated 27.05.1997 and also 3rd respondent's proceedings dated 08.12.2014 with all benefits.

For Petitioners : Mr.G.Elanchezhiyan

For R1 & R2 : Mr.S.N.Parthasarathi,
Government Advocate

For R3 : Mr.S.Saravanan

O R D E R

Petitioners have come up with this Writ Petition seeking a direction to the 3rd respondent to consider their claim and issue work allotment order to them for the post of Revenue Inspector (Special) in accordance with G.O.Ms.No.140, MA & WS Department, dated 27.05.1997 and also 3rd respondent's proceedings dated 08.12.2014, with all benefits.

2. According to the petitioners, they were initially working as Bill Collectors from the year 1984 onwards without any further promotion. In the year 1996, the Government had issued New Service Rules in G.O.Ms.No.237, MA & WS Department, dated 26.09.1996 for all Corporations except Chennai Corporation. The said Rules were extended to the newly upgraded Corporations of Vellore, Erode, Tuticorin and Tiruppur. As such, all the above said Corporations are following the above said Rules till date. In the said Rules, instructions were issued to the Corporation Commissioner to prepare combined seniority list among the grouped employees and then give promotion to them after they acquire experience in the other category.

3. As some of the employees were going to retire very shortly without any promotion, they submitted a representation to the Government for creating the post of Revenue Inspector (Special) for the ongoing retired Bill Collector. After considering the various representations, the Government passed an order in G.O.Ms.No.140 MA & WS Department, dated 27.05.1997, wherein the Government issued a clarification to the service rules that the Tax Collectors, who have completed 20 years of service on the date of issuance of the order may be considered for promotion to the post of Revenue Inspector (Special) in accordance with strict seniority. In the above said Government Order, the Government instructed all the Commissioner of Corporations to implement the above said Government Order with immediate effect, except Corporation of Chennai. Pursuant to the abovesaid Government Order, the Under Secretary to Government sent a letter to all Corporation Commissioners except the Corporation of Chennai with a request to send the particulars of eligible persons, immediately, for sanctioning the post of Revenue Inspector (Special).

4. As per the above said Government Orders and as per the instructions of the Government, all the Corporation Commissioners except Coimbatore Corporation Commissioner sent a proposal to the Government for sanctioning the post of Revenue Inspector (Special). After accepting the proposal of the Corporation Commissioners, the Government issued an order and sanctioned the post of Revenue Inspector (Special) and also instructed the Corporation Commissioners to fill up the post

according to the seniority of the Bill Collectors/Tax Collectors posts. The Corporation Commissioners after following the Government's instructions and after following the seniority in the post of Bill Collectors, promoted the eligible Bill Collectors to the post of Revenue Inspector (Special).

5. As per G.O.Ms.No.140, MA & WS Department, dated 27.05.1997, the Coimbatore Corporation Commissioner also sent a proposal to the Government for sanctioning the post of Revenue Inspector (Special) to promote the eligible Bill Collectors to the post of Revenue Inspector (Special). The same was received by the Government and thereafter, there is no further progress on the said matter. Hence, Coimbatore Corporation's Bill Collectors Association made a representation to the Government with a request to issue an order to the Coimbatore Corporation Commissioner in regard to sanctioning of the post of Revenue Inspector (Special) for giving promotion to Bill Collectors. Since there is no reply, the petitioners' Association made another representation to the Government and requested to issue an order for promotion to the eligible Bill Collectors as Revenue Inspector (Special). Since no reply is forthcoming from the Government, the petitioners' Association filed a Writ Petition before this Court in W.p.No.27554 of 2010 seeking a direction to the 1st respondent to consider the representation of the petitioner's Association dated 02.11.2009 and pass orders on the same with regard to the promotion to the post of Revenue Inspector (Special) based on G.O.Ms.No.140 M.A. & W.S. Department, dated 27.05.1997.

6. After hearing both sides, this Court passed an order on the petitioner's representation dated 02.11.2009 in the light of G.O.Ms.No.140, MA & WS Department, dated 27.05.1997. Thereafter, the Government passed an order in G.O.(2D) No.83, MA & WS Department, dated 08.08.2014 and created eight posts of Revenue Inspector (Special) and appointed/upgraded the petitioners as Revenue Inspector (Special). Pursuant to the said Government Order, the 3rd respondent issued an upgradation order of Revenue Inspector (Special) in respect of the petitioners in proceedings in Na.Ka.No.5744/2009/MC 2, dated 20.08.2014. Thereafter, the 3rd respondent issued work allotment order in respect of the petitioners in their proceedings No.5744/2009/MC 2, dated 08.12.2014 and also instructed to carry out 20 items of work without fail. After the 3rd respondent's order, the concerned Assistant Commissioner also issued work allotment to the petitioners in their Zone.

7. It is the further case of the petitioners that all of a sudden, without any notice and valid reason and without canceling the earlier proceedings in Na.Ka.No.5744/2009/MC2, dated 08.12.2014, the 3rd respondent issued instruction to all

Assistant Commissioners to issue new work allotment order on 10.08.2015 for upgraded Revenue Inspector (Special). Pursuant thereto, the Assistant Commissioner of Coimbatore Corporation also issued new work allotment order on 12.08.2015 and 13.08.2015 and instructed to carry out the duty of collection of Revenue tax alone from the owner of the property. Hence, the petitioners' Association submitted a representation to the 3rd respondent on 17.08.2015 to follow the Government order as well as the earlier Circular dated 08.12.2014. Since no orders are passed on their representation, the petitioners are before this Court.

8. Heard the learned counsel on either side and perused the material documents available on record.

9. Considering the submissions made on either side, this Court is constrained to pass the following order. The 3rd respondent is directed to consider the petitioners' representation dated 17.08.2015 in the light of G.O.Ms.No.140, MA & WS Department, dated 27.05.1997, on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected W.M.P.No.8680 of 2016 is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To:

1. The Principal Secretary to Government,
State of Tamil Nadu
Municipal Administration and Water Supply Department,
Secretariat, Chennai 9.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai 600 005.

3. The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore, Coimbatore District.

+1cc to M/s S.Saravanan, Advocate Sr.69451
+1cc to M/s G.Elanchezhiyan, Advocate Sr.69585

W.P.No.9671 of 2016

AK (CO)
RVR 20/01/2017



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