

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.10.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.4341 of 2014

S.Srinivasan

.. Petitioner

Versus

1. The Principal Secretary and Managing Director
Chennai Metropolitan Water Supply and
Sewerage Board, Chennai.
No.1, Pumping Station Road,
Chintadripet, Chennai-600 002.

2. The General Manager,
Chennai Metropolitan Water Supply and
Sewerage Board,
Personnel & Administration (R & A) Department
No.1, Pumping Station Road,
Chintadripet, Chennai-600 002.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to consider the representation dated 12.07.2013 of the petitioner and to promote him to the post of Depot Manager on the basis of Circular dated 04.04.2012 issued by the first respondent within a time limit to be stipulated by this Court.

For Petitioner : Mr.V.Manoharan

For Respondents : Mr.N.Ramesh

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to consider the representation dated 12.07.2013 submitted by the petitioner and to promote him to the post of Depot Manager on the basis of Circular dated 04.04.2012 issued by the first respondent.

2. The learned counsel appearing for the writ petitioner made a submission that the writ petitioner has completed SSLC in the year 1994 and was appointed as Field Worker in the respondent Board on 30.05.2008 on compassionate grounds. The

petitioner claimed that he is fully qualified for promotion of Depot Manager as per the rules. However, the second respondent filed a counter narrating the recruitment rules in force. The rules in force are follows as under:-

Sl.No .	Name of the Post & Pay Band	Method of Recruitment	Qualification
1	Depot Manager Rs.5200-20200 +G.P.Rs.2000/-	By Transfer from any other service	Must possess minimum general education qualification and should have put in a service of not less than 5 years in lower cadres after acquiring the minimum general educational qualification (i.e S.S.L.C. passed)
2	Record Assistant Rs.4800-10000 +G.P. Rs.1650/-	By Direct Recruitment By Transfer	Must have passed 10 th Std. or its equivalent. 1. Must have passed III Form / VIII Std in a recognized Secondary School or must possess the Indian Army 1 st Class Certificate or Education of the Indian Army 3 rd Class English Certificate. 2. Must have completed 3 years of service as Office Assistant under the CMVVSS Board Basis Servants Service. (B.P.No.18/92, dated 20.10.1992 B.R.No.205/1992, dated 15.10.1992)

3. Further, in order to fill up the vacant post in the cadre of Depot Manager by way of recruitment by transfer from other service, the circular No.CMWSB/P&A/STF/RA4/47202/2011 dated 04.04.2012, was circulated among the permanent lower grade staff inviting applications for the post from those who possess

required qualification. The writ petitioner also has submitted his application for appointment to the post of Depot Manager by way of transfer of service on 25.04.2012.

4. The learned counsel appearing on behalf of respondents states that the writ petitioner was initially appointed on 13.05.2008 and the circular inviting applications for appointment to the post of Depot Manager was notified on 04.04.2012 and the writ petitioner has submitted his application on 25.04.2012. Thus, as on the date of submission of the application, the writ petitioner has not completed five years of service which is a requisite qualification prescribed under the rules. Since the writ petitioner has not complied with the qualification criteria, the application was rejected.

5. In view of the fact that the writ petitioner was not qualified for appointment to the post of Depot Manager by way of transfer of service as on the date of the circular on 04.04.2010, rejection of the application of the writ petitioner by the respondent is in order and there is no infirmity in the decision taken by the respondents. The relief of promotion to the post of Depot Manager sought for by the petitioner cannot be considered and in relation to the other grounds raised in this writ petition, no further consideration is required. In view of the fact that the writ petitioner has sought for the claim of appointment to the post of Depot Manager pursuant to the circular dated 04.04.2010, and he did not possess the requisition qualification of five years experience.

6. Accordingly, the writ petition stands dismissed. No Costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AT

To

1. The Principal Secretary and Managing Director
Chennai Metropolitan Water Supply and
Sewerage Board, Chennai.
No.1, Pumping Station Road,
Chintadripet, Chennai-600 002.

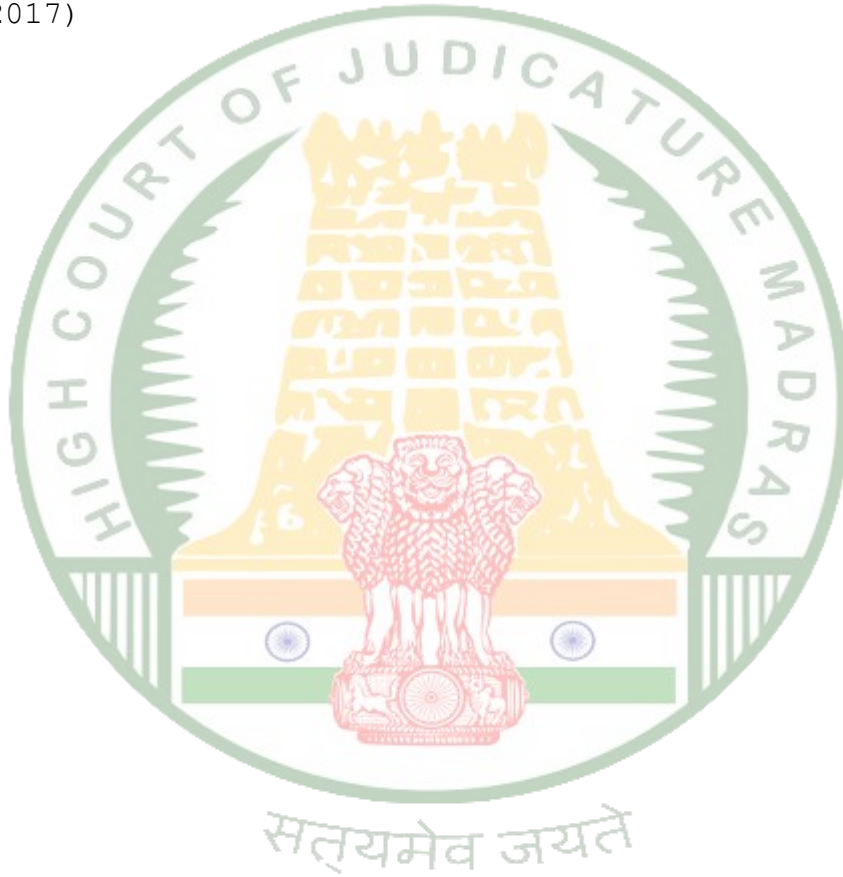
2. The General Manager,
Chennai Metropolitan Water Supply and
Sewerage Board,
Personnel & Administration (R & A) Department
No.1, Pumping Station Road,
Chintadripet, Chennai-600 002.

+1cc to Mr.V.Manoharan, Advocate, S.R.No.72129

+1cc to Mr.N.Ramesh, Advocate, S.R.No.72282

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VGI (CO)
GN(08/11/2017)



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