

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

W.A.Nos.235 and 236 of 2010
and M.P.Nos.1 and 1 of 2010

A.Kumar ... Appellant/Petitioner in W.A.No.235/2010

R.Kumanan ...Appellant in W.A.No.236/2010

Vs

1.The Commissioner
Idappadi Municipality
Idappadi, Salem District.

2.K.Mayil
3.P.Cheralathan
4.N.Sivaprakasam
5.N.Gopal

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

7.The Regional Director of Municipal Administration
Salem 636 009.

...Respondents in both W.As.

[RR6 and 7 impleaded as party respondents vide order of Court
dt.10.09.2013]made in M.P.1/13

Writ Appeals filed under Clause 15 of the Letters Patent
against the order of this Court dated 04.11.2009 in
W.P.Nos.32071 and 32072 of 2005.

W.P.No.32071 & 32072/2005:The Original Applications in
O.S.Nos.8748/2000 and 811/2001 on the file of the Tamil Nadu
Administrative Tribunal to call for the records relating to the
Order made in Na.Ka. No. 4202/99/C1 dt. 20.10.2000 order passed
by the Commissioner Iddappadi Municipality, Iddappadi (the first

respondent herein) and quash the same and consequently direct the first respondent to promote the applicants/petitioner by fixing the seniority of the applicants/petitioners reckoning from the date of applicants/petitioners first appointment have been transferred to the file of this court and renumbered as W.P.nos.32071 of 32072/2005.

For Appellants : Mr.Silambanan, Senior Counsel
for Ms.C.Uma

For Respondents : Mr.P.P.Shanmugasundaram [for R1]
Mr.K.Dhananjayan,
Spl.Govt.Pleader [for R6]

R2,R3,R6,R7-Served
R4 - Given up
R5-Died

C O M M O N J U D G M E N T

K.K.SASIDHARAN, J.

The appellants challenged the order dated 20 October 2000 on the file of the Commissioner, Idappadi Municipality appointing the respondents 2 to 5 as Revenue Assistants in the Municipality. The learned Single Judge found that the appellants were working on consolidated pay and as such, it was not open to them to challenge the appointment of respondents 2 to 5. However, while rejecting the request to quash the impugned order, the learned Single Judge protected the interest of the appellant in W.A.No.235 of 2010. There was a further direction to consider the case of the appellant in W.A.No.236 of 2010, in case vacancy arises in the Municipality.

2. The Commissioner, Idappadi Municipality by order dated 16 December 2009 informed the appellants that there are no posts available for giving them promotion. Feeling aggrieved by the order passed by the Writ Court, the appellants filed these intra Court Appeals.

3. The learned Senior Counsel for the appellants contended that the appellants would be satisfied in case seniority is fixed by the Municipality so as to enable them to claim promotion in accordance with their seniority position.

4. The learned Standing Counsel for the Municipality, by placing reliance on the written instructions given by the Commissioner submitted that the appellant in W.A.No.236 of 2010 would be considered for promotion in due course. The appellant in W.A.No.235 of 2010 is retiring on 30 June 2017. According to

the Municipality, there is no post vacant as on today to give promotion to the appellant in W.A.No.235 of 2010.

5. The primary challenge in the writ petitions was to the order appointing respondents 2 to 5. The question of giving promotion to the appellants would arise only in case there are vacancies. Now that the Municipality has made it clear that the appellant in W.A.No.236 of 2010 would be considered for promotion, there is no question of issuing any more direction to the Municipality. It is open to the appellants to approach the Municipality, in case there are vacant posts to accommodate them.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gms

To

- 1.The Commissioner,
Idappadi Municipality,
Idappadi, Salem District.
- 2.The Commissioner of Municipal Administration Chepauk,
Chennai 600 005.
- 3.The Regional Director of Municipal Administration,
Salem 636 009.

+1cc to M/s.C.Uma, Advocate SR.No.43121

+1cc to Mr.P.P.Shanmugasundaram, Advocate SR.No.43075

KJ(CO)
GN(11/07/2017)

W.A.Nos.235 and 236 of 2010