

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.08.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.3410 of 2015

G.Kirubhakaran

.. Petitioner

Vs

1. The Commissioner,
Coimbatore Corporation,
Coimbatore - 641 001.

2. The Assistant Commissioner,
West Zone,
Coimbatore Corporation,
Coimbatore-641 002.

3. M.Vanitha

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the respondents 1 and 2 to give promotion to the petitioner for the post of Assistant with effect from 27.05.2009 instead of 22.12.2010 by placing his name over and above the 3rd respondent after rectifying the anomalies in the seniority cum promotion lists by considering the petitioner's representations dated 21.12.2009, 12.03.2010, 18.04.2012, 03.01.2013, 21.02.2013 and 05.02.2014.

For Petitioner : Mr.N.Manokaran

For R1 to R2 : Mr.J.Sathyanarayana Prasad

For R3 : No Appearance

O R D E R

The relief sought for in this writ petition is to give promotion to the petitioner to the post of Assistant with effect from 27.05.2009 instead of 22.12.2010 by placing his name over and above the 3rd respondent. In this regard, the writ petitioner has submitted a representations dated 21.12.2009, 12.03.2010, 18.04.2012, 03.01.2013, 21.02.2013 and 05.02.2014 respectively.

2. The learned counsel for the petitioner contented that the writ petitioner had completed his Accounts test Part-I on 23.06.2008 itself and acquired the required qualification for promotion to the post of Assistant. However, a mistake occurred

while preparing the list of seniority and the Department has committed a mistake in the list for promotion to the post of Assistant. It is erroneously stated as if the writ petitioner has not cleared the requisite qualification of Accounts Test Part-I. Contrarily, the writ petitioner had completed the test in the year 2006 itself and it is a mistake committed by the Department at the time of the preparing of the promotion panel to the post of Assistant. Thus, such mistake needs to be corrected by the Department and the claim of the writ petitioner seems to be tenable and accordingly, this Court is of the considered opinion that the representations submitted by the petitioner should be considered in accordance with law.

3. Thus, the 1st respondent is directed to consider the representations submitted by the writ petitioner on 21.12.2009, 12.03.2010, 18.04.2012, 03.01.2013, 21.02.2013 and 05.02.2014 respectively and pass final orders on merits in accordance with law within a period of six weeks from the date of receipt of copy of this order.

4. The writ petition stands disposed of with the above direction. No costs.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

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To

1. The Commissioner,
Coimbatore Corporation,
Coimbatore - 641 001.

2. The Assistant Commissioner,
West Zone,
Coimbatore Corporation,
Coimbatore-641 002.

+1 CC to Ms. Manokaran, Advocate sr 58042

+1 Cc to Ms. J. Sathiya Narayanan, Advocate sr 58106.

W.P. No.3410 of 2015

MP(CO)
sp(04/09/2017)