



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2017

CORAM:

THE HONOURABLE **MR.HULUVADI G.RAMESH,**
ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

W.A. (MD) .No.230 of 2017

R.Sivaprakasam : Appellant

Vs.

The Commissioner,
Tenkasi Municipality,
Tenkasi, Tirunelveli District. : Respondent

PRAYER: Writ Petition is filed under Clause 15 of the Letters Patent against the order dated 10.12.2013 made in W.P.(MD). No.13587 of 2013, on the file of this Court.

Prayer in WP(MD) . 13587/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS or any other writ, direction or order in the nature of writ, directing the respondent to transfer the petitioner to the post of Revenue Assistant Grade II/Record Assistant (Category 2 - Class IX or Category 1 - Class X) from the post of Watchman (Late Grade Servant) following G.O Ms.No.222 - Municipal Administration and Water Supply (MEZ) Department dated 30.09.1999 as per Rule 3 and 5 of Tamil Nadu Municipal General Service Rule.

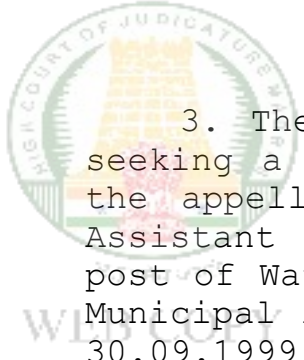
For Appellant : Mr.PT.S.Narendravasan
For Respondent : Mr.VR.Shanmuganathan
Special Government Pleader

O R D E R

[Order of the Court was made by
The Hon'ble The Acting Chief Justice]

Heard the learned counsel for the appellant and Mr.VR.Shanmuganathan, learned Special Government Pleader, who takes notice for the respondent.

2. Challenge in this Writ Appeal is to the order dated 10.12.2013 made in W.P.(MD).No.13587 of 2013.



3. The said Writ Petition was filed by the appellant herein seeking a Writ of Mandamus, directing the respondent to transfer the appellant to the post of Revenue Assistant Grade II/Record Assistant [Category 2 class IX of Category-I-Class X] from the post of Watchman [Last Grade Servant], by following G.O.Ms.No.222, Municipal Administration and Water Supply [MEZ] Department, dated 30.09.1999 and as per Rules 3 and 5 of the Tamil Nadu Municipal General Service Rules.

4. The learned Single Judge of this Court, by order dated 10.12.2013, dismissed the Writ Petition, holding that the appellant is only a member of the Tamil Nadu Municipal Engineering Service and hence, he was not entitled to promotion under the Tamil Nadu Municipal Last Grade Service.

5. The said factual finding rendered by the learned Single Judge could not be controverted by the appellant and therefore, we do not find any ground to interfere with the order passed by the learned Single Judge.

6. In the result, the Writ Appeal is dismissed. No costs.

Sd/-
Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

The Commissioner,
Tenkasi Municipality,
Tenkasi, Tirunelveli District.

ORDER MADE IN
W.A. (MD) .No.230 of 2017
14.03.2017

JM/SV MMS/23.03.2017/2P/2C