



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.5519 of 2017 and
W.M.P. (MD) No.4402 of 2017

J.Bhaskaran, S/o.Rajendran,
Skilled Assistant Grade-II,
Thiruchirappalli Municipal Corporation,
Thiruchirappalli.

..Petitioner

Vs.

1.The State Represented by its Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai -09.

2.The Commissioner of Municipal Administration,
Ezhilagam, Chepauk, Chennai - 05.

3.The Commissioner,
Thiruchirappalli Municipal Corporation,
Thiruchirappalli.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the proposal submitted by the third respondent in Na.Ka.No.C1/5051/2013(Maiyam), dated 21.07.2016, based on the G.O.Ms.No.145 Municipal Administration and Water Supply Department, dated 08.06.1999 and to pass final orders within a stipulated time may be fixed by this Court and consequently promote the petitioner to the post of Technical Assistant or Junior Engineer in Thiruchirappalli Corporation with all attendant and monetary benefits.

For Petitioner : Mr.R.Mathiyalagan

For R-1 & R-2 : Mr.C.Selvaraj,
Special Government Pleader.

For R-3 : Mr.N.S.Karthikeyan,
Additional Government Pleader.



O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the proposal submitted by the third respondent in Na.Ka.No.C1/5051/2013(Maiyam), dated 21.07.2016 based on the G.O.Ms.No.145 Municipal Administration and Water Supply Department, dated 08.06.1999 and to pass final orders within a stipulated time may be fixed by this Court and consequently promote the petitioner to the post of Technical Assistant or Junior Engineer in Thiruchirappalli Corporation with all attendant and monetary benefits.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned Additional Government Pleader appearing for the third respondent.

3. Mr.C.Selvaraj, learned Special Government Pleader, takes notice for the respondents 1 and 2 and Mr.N.S.Karthikeyan, learned Additional Government Pleader, takes notice for the third respondent. By consent, the Writ petition itself is taken up for final disposal.

4. *The brief facts that are necessary for the disposal of this Writ petition are as follows:-*

The petitioner was appointed as Skilled Assistant Grade-II in the year 1995 in Municipal Administration Department and posted at Manapparai Municipality. Though the petitioner was earlier transferred to Thanjavur and then Devakottai Municipality, finally, he was transferred and posted as Skilled Assistant Grade-II in Thiruchirappalli Corporation on 04.01.2014.

5. It is the case of the petitioner that the cadre strength in the post of Skilled Assistant Grade-I was not fixed and that therefore, the petitioner and other similarly placed persons were unable to get promotion, despite their service for more than two decades. When similarly placed persons filed a Writ petition in W.P.(MD)No.1838 of 2014, dated 04.02.2014, this Court directed the respondents 1 and 2 to consider the representation of the petitioners therein within a specified time. Pursuant to the order of this Court earlier, six individuals were promoted to the post of Skilled Assistant Grade-I.

6. The case of the petitioner is that the petitioner is also similarly placed and entitled to get promotion to the post of Skilled Assistant Grade-I in the same manner, as it was done in the case of others. The respondents 1 and 2 have not considered the case. It is also brought to the notice of this Court, the recommendations of the third respondent by proceedings in Na.Ka.No.C1/5051/2013(Maiyam), dated 21.07.2016 and further



clarification of the third respondent by proceedings, dated 09.01.2017 in response to the queries.

7. In the light of the above facts, the learned counsel for the petitioner submit that the petitioner will be satisfied, if the respondents 1 and 2 are directed to consider the recommendations of the third respondent by proceedings in Na.Ka.No.C1/5051/2013 (Maiyam), dated 21.07.2016 and pass appropriate orders within the time stipulated by this Court.

8. Having regard to the limited scope of the prayer now sought for by the learned counsel for the petitioner before this Court, without expressing any opinion on the merits of the matter, this Court is inclined to issue the following direction:-

"The respondents 1 and 2 are directed to consider the proposal/recommendations of the third respondent by proceedings in Na.Ka.No.C1/5051/2013 (Maiyam), dated 21.07.2016, and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order."

9. Accordingly, the Writ petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The State Represented by its Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai -09.

2.The Commissioner of Municipal Administration,
Ezhilagam, Chepauk, Chennai - 05.

3.The Commissioner,
Thiruchirappalli Municipal Corporation,
Thiruchirappalli.

+1 cc to Mr.R.Mathialagan, Advocate in SR.No.18296

+1 cc to Special Government Pleader, SR.No:18924

+1CC to Mr.N.S.Karthikeyan, Advocate, SR.No. 18593

pmu

AE/KP/SAR4/06.04.2017/4P/7C

ORDER MADE IN

W.P. (MD) .No.5519 of 2017 and

W.M.P. (MD) No.4402 of 2017

28.03.2017