



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A. (MD) No.721 of 2013

1.D.Thiyagaran

2.P.Solaimalai

3.S.Muthuramalingam

... Appellants/Petitioners 4, 8 & 9

-vs-

1.The Secretary to the Government,
Department of Municipal Administration
and Water Supply,
Fort. St. George,
Chennai-600 009.

2.The Commissioner,
Municipal Administration,
Chepauk,
Chennai-600 004.

3.The Commissioner,
Madurai Corporation,
Madurai.

...Respondents/Respondents 1 to 3

4.S.Babu

5.P.Mani

6.V.S.Manalam

7.S.Arulsahaya Xavier

8.Y.Sapthanam

9.S.Karuppaiah

10.K.Saravanan

...Respondents/Petitioners

1 to 3,5,6,7 and 10

PRAYER: Writ Appeal filed under Clause 15 of Letter Patent, to allow this Writ appeal by setting aside the order passed by the Learned Judge in W.P.(MD)No.70 of 2013 dated 22.01.2013.

Prayer in WP(MD) . 70/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the Respondents 1 to 3 in any way filling up the post of Assistant Engineer pending consideration of the proposal of the 3rd Respondent in ref.Me.Nu.2/003867/2012 dated 26.04.2012 before the respondents 1 and 2.



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For Appellants : Mr.M.Ajmalkhan
Senior Counsel
for M/s.D.Geetha
For R1 & R2 : Mr.V.R.Shanmuganathan
Spl.Govt. Pleader
For R3 : Mr.R.Murali
For R4 to R 10 : No appearance

O R D E R**[Order of the Court was made by M.M.SUNDRESH, J.]**

This appeal is directed against the order passed in W.P(MD) No.70 of 2013, dated 22.01.2013. The writ petition has been filed by the appellant seeking a writ of mandamus forbearing the respondents 1 to 3 in any way filling up the post of Assistant Engineer pending consideration of the proposal of the third respondent in ref Me.Nu.2/003867/2012, dated 26.04.2012 before the respondents 1 and 2.

2.The learned counsel for the appellants would submit that the order passed by the learned Single Judge went beyond the prayer sought for. What the appellants want is, to maintain the Status quo till the consideration of the respondents 1 & 2 as the case may be.

3.The learned counsel for the respondents would submit that the learned Single Judge having rendered the findings on merit and no interference is required.

4.We find considerable force in the submission of the learned counsel for the appellant. The appellant, before the Single Judge, only sought for keeping in abeyance of decision pending consideration of the proposal sent by the third respondent insofar as the appointment to the post of Assistant Engineer is concerned. Thus, we are of the view that, it would be sufficient in the interest of justice, to direct the second respondent to pass appropriate orders on the proposal sent by the third respondent, dated 26.04.2012.

5.Accordingly, the writ appeal is disposed of by directing the second respondent to pass appropriate orders on the proposal sent by the third respondent, within a period of eight weeks from the date of receipt of a copy of this order. While doing so, the second respondent shall act independently without being any influence of the any observation made by the learned Single Judge. No costs.

Sd/-

Assistant Registrar(A.E)

/True Copy/



To

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Chennai-600 009.

2.The Commissioner,
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Chepauk,
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3.The Commissioner,
Madurai Corporation,
Madurai.

AM/IS

JS/KP/SAR.1/22.08.2017/3P-4C

W.A. (MD) No.721 of 2013
08.08.2017