

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.4294 of 2018

D.Panneerselvam

... Petitioner

Vs

1. State of Tamilnadu,
Rep. by its Secretary to Govt.
Municipal Adminsitration & Water Supply
(Town Panchayat) Department, Secretariat,
Chennai - 600 009.

2. Director of Town Panchayats,
Kuralagam, Chennai - 600 108.

3. Assistant Director of Town Panchayats,
Sivagangai, Sivagangai District.

4. District Collector,
Sivagangai, Sivagangai District.

5. Executive Officer,
Ilayankudi Town Panchayat,
Ilayankudi, Sivagangai District.

.... Respondents

Writ Petition filed under Article 226 of The Constitution of India seeking for issuance of Writ of Mandamus, directing the respondents 3 to 5 to forward the proposal for relaxation to the 1st respondent and get order so as to enable the petitioner to get promotion as Sanitary Inspector by considering the representation dated 21.10.2016 to the 4th respondent and dated 20.02.2017 to the 5th respondent.

For Petitioner : M/s.C.S.Associates

For Respondents: Mr.R.S.Selvan (for R1 to R4)

Govt. Advocate

Mr.J.Ramesh (for R5)

Additional Government Pleader

O R D E R

This writ petition has been filed seeking Mandamus directing the respondents 3 to 5 to forward the proposal for relaxation to the 1st respondent and get an order to enable the petitioner to get promotion as Sanitary Inspector by considering the representation dated 21.10.2016 and 20.02.2017 sent to the 4th and 5th respondent respectively.

2.Learned counsel appearing for the petitioner would submit that in the year 1986, the petitioner was appointed as water tank watchman on consolidated pay. Subsequently, he was brought into daily wage basis from 30.11.1987. After four years, he was again brought into consolidated pay w.e.f. 01.03.2001. However, within a period of seven months, he was appointed as Sanitary Supervisor on 19.11.2001. But within a year, he was reverted to the post of Watchman on 29.04.2002. Aggrieved by the order of reversion, he has filed W.P.No.19769 of 2002 and this Court, by order dated 02.09.2003, without going into the rival contentions set aside the impugned order and remitted back the matter to the respondent therein to consider the matter afresh after giving an opportunity by calling for explanation and also to pass further orders after the explanation is received and the said order also directed till such time, the reversion order shall be kept in abeyance. Thereafter, his probation in the post of Watchman was declared successfully on 20.06.2006. Considering his long service, he was also granted the benefit of Selection Grade in the year 2011.

3.Learned counsel appearing for the petitioner would further submit that when the petitioner has completed the Sanitary Inspector training on 23.06.2016, his representation dated 21.10.2016 given to the District Collector, Sivagangai to consider his case for the promotional post of Sanitary Inspector should be considered by giving a proposal recommending the grant of relaxation. Under these circumstances, the proposal sent by the Executive Officer, Ilayankudi Town Panchayat on 23.03.2017 is pending for consideration.

4.Learned Government Advocate appearing for the first respondent sought for sufficient time to consider the pending proposal in respect of the petitioner.

5.This Court, taking into consideration the limited prayer sought for by the petitioner and without going into the merits of the case, the first respondent is hereby directed to consider the pending proposal on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
State of Tamilnadu,
Municipal Adminsitration & Water Supply
(Town Panchayat) Department, Secretariat,
Chennai - 600 009.

2.The Director of Town Panchayats,
Kuralagam, Chennai - 600 108.

3.The Assistant Director of Town Panchayats,
Sivagangai, Sivagangai District.

4.The District Collector,
Sivagangai, Sivagangai District.

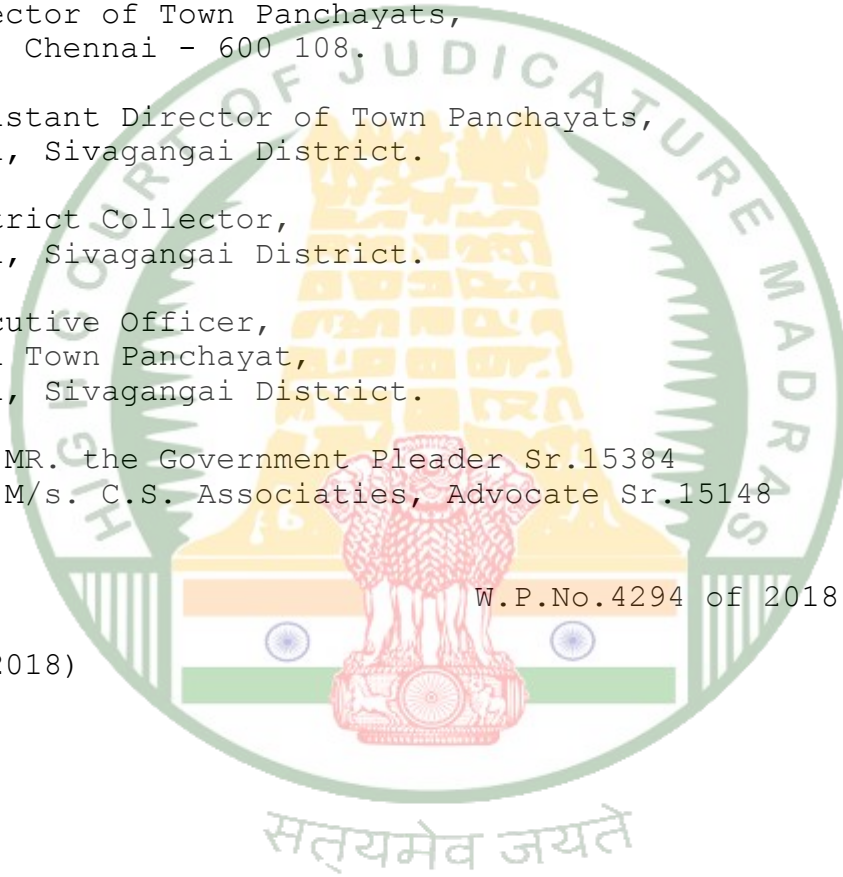
5.The Executive Officer,
Ilayankudi Town Panchayat,
Ilayankudi, Sivagangai District.

+ 1 cc to MR. the Government Pleader Sr.15384

+ 1 cc to M/s. C.S. Associaties, Advocate Sr.15148

W.P.No.4294 of 2018

KK(CO)
EU(26/03/2018)



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