

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 18-04-2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.5757 OF 2018

1.P.Udhayakumar
2.A.Balamurugan
3.D.Baskar
4.G.Kandasamy
5.A.Subash Sundar
6.Mohana Sundaram
7.K.Krubakar
8.B.Viswanathan
9.E.Venkatesh
10.M.Marutha Saravanan

Petitioners

-vs-

1.The Commissioner,
Salem City Municipal Corporation,
Salem - 636 001.

2.The Commissioner of Municipal Administration,
Chepauk,
Chennai - 600 005.

3.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai - 600 009.

Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of writ of certiorarified mandamus, to call for the records relating to the impugned notice issued by the first respondent in Na.Ka.No.C3/16294/2017, dated 26.02.2018, and quash the same and consequently direct the first respondent to consider the petitioners for the post of Assistant Engineer/Junior Engineer based on the Degree qualification in Engineering and also based on the orders passed by the Government G.O.Ms.No.79, Municipal Administration and Water Supply Department, dated 30.04.2001.

For petitioner : Mr.T.Ranganathan

For respondent 1 : Mr. Mr.P.H.Aravind Pandian,
Additional Advocate General,
assisted by Mrs.K.Bhuvaneswari

For respondents 2 & 3 : Mrs.R.Janaki,
Addl.Govt.Pleader.

O R D E R

Heard the learned counsel for the petitioners and also the learned counsel for the respondents, inasmuch as the first respondent has appeared in advance and accepted notice, so also respondents 2 and 3, represented by the State counsel.

2.. It appears, the petitioners, who are working in Salem City Municipal Corporation, have filed this Writ Petition, seeking to quash the impugned notice issued by the first respondent in Na.Ka.No.C3/16294/2017, dated 26.02.2018, calling for candidates from employment exchange to fill up the posts of Assistant Engineers/Junior Engineers in the Municipal Corporation, meant for direct recruitment, and to absorb the petitioners, who possess the qualification for appointment, in the said vacancies.

3. The case of the petitioners is that though the posts of Assistant Engineers/Junior Engineers are required to be filled up by direct recruitment, in respect of other municipalities, such as, Madurai Corporation and Coimbatore City Municipal Corporation, a decision having already been taken by the Government to allow the employees working in the lower technical category post, having B.E. qualification, which is the requisite qualification for the post of Assistant Engineer/Junior Engineer, to participate in the recruitment against direct recruitment vacancies; their representation in that regard is pending with the third respondent and no decision having been taken and the first respondent having decided to fill up the vacancies by calling for the candidates from employment exchange, they have filed this Writ Petition, seeking for the aforesaid relief.

4. Learned counsel for the petitioners submits that when the clarification sought for in the above regard is pending with the third respondent and no decision having been taken, the first respondent ought not to have called for candidates from employment exchange to fill up the posts of Assistant Engineers/Junior Engineers, ignoring the case of the petitioners. He would further submit that in similar circumstances, employees in other corporations have been given such benefit of being appointed against direct recruitment

vacancies and, therefore, the relief as sought for in the Writ Petition can be granted, directing the first respondent not to fill up the vacancies.

5. The above contention of the learned counsel for the petitioners is vehemently opposed by the respondents on the ground that since the rules provide for direct recruitment and no specific order having been passed by the Government against the first respondent municipality, the petitioners cannot have any grievance to challenge the decision of the first respondent to fill up the posts of Assistant Engineers/Junior Engineers by direct recruitment, as the same is strictly in accordance with the rules. Therefore, they submit that the writ petition is without any substance and liable to be dismissed at the stage of admission.

6. After hearing the learned counsel for the parties and on going through the material on record, especially the fact that in similar circumstances the Government has taken a decision to allow the employees of other municipal corporations having B.E. qualification to be absorbed in direct recruitment vacancies and considering that in this case such a proposal by the first respondent is pending with the third respondent, this Court is of the view that no useful purpose will be served by keeping the petition pending, inasmuch as the staff is required to be filled up by the municipal corporation. Hence, this Court disposes of this Writ Petition at the stage of admission with a direction to the third respondent to act on the communication/proposal of the first respondent, which is said to be pending, on its own merit, keeping in mind any policy decision of the Government in this regard within a period of thirty days from the date of receipt or production of a copy of this order. Till then, the first respondent shall not take any final decision to fill up the vacancies of Assistant Engineers/Junior Engineers by direct recruitment.

7. With the aforesaid order, this Writ Petition stands disposed of. However, in the circumstances, there shall be no order as to costs. Consequently, the connected W.M.P.Nos.7100 to 7103 of 2018 are closed.

Sd/-
Assistant Registrar(CS III)

//True copy//

Sub Assistant Registrar

dixit

To

1.The Commissioner,
Salem City Municipal Corporation,
Salem - 636 001.

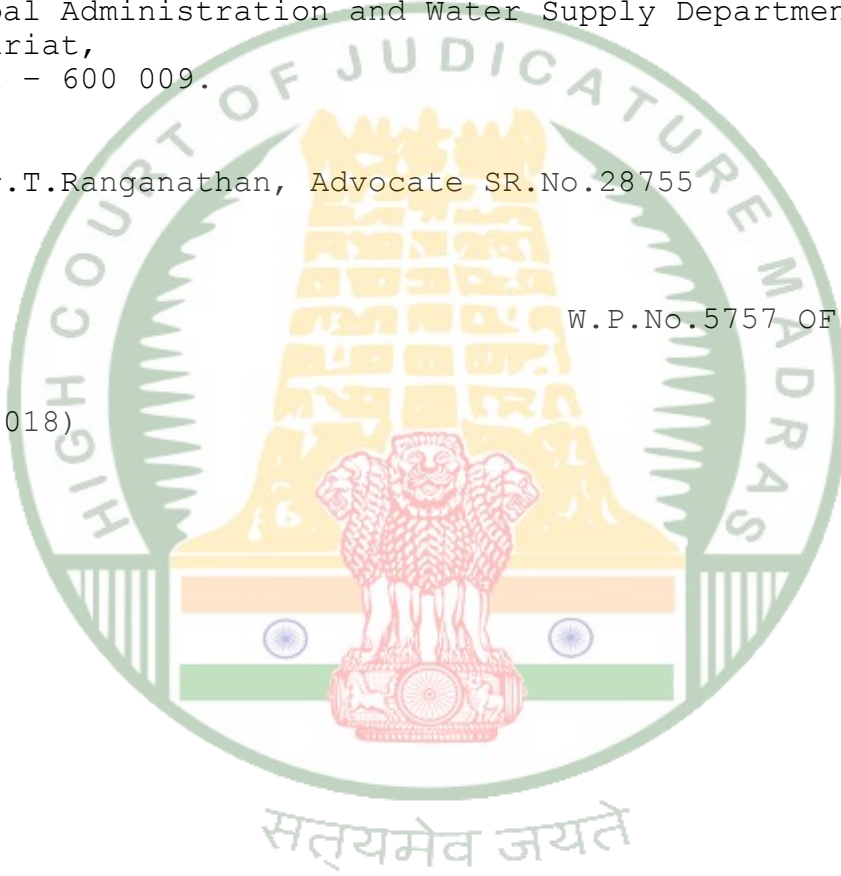
2.The Commissioner of Municipal Administration,
Chepauk,
Chennai - 600 005.

3.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai - 600 009.

+1cc to Mr.T.Ranganathan, Advocate SR.No.28755

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NA (CO)
GN (16/05/2018)



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