

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2018

C O R A M

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.21944 of 2008

J.Ivan

...Petitioner

Vs

1. The Commissioner of Municipal Administration, Chepauk, Chennai -5.
2. The Commissioner, Ambattur Municipality, Ambattur, Chennai - 53.Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of certiorarified Mandamus, to call for the records connected with the proceedings issued in Na.Ka.No.11533/07/C1 dated 23.10.2007 passed by the second respondent and quash the same and consequently direct the respondents to appoint the petitioner as Revenue Assistant.

For Petitioner : Mr.S.Ilamvaludhi

O R D E R

The petitioner prayed for issuance of a Writ of Certiorarified Mandamus to call for the records connected with the proceedings issued by the second respondent in Na.Ka.No.11533/07/C1 dated 23.10.2007 and therefore direct the respondent to appoint the petitioner as Revenue Assistant in the service of Municipal Authority.

2. The case of the petitioner is that he joined as Electrician in the year 1989 and till date he is an Electrician. Since there is no promotion for him, he has given a representation to the second respondent to transfer him to the post of Bill Collector by appointment of transfer. The representation made by the petitioner was not considered by the authorities and straight away, the second respondent returned the petitioner's representation. Hence, the petitioner filed a Writ Petition in W.P.No.30713 of 2007 and prayed for a Writ of Mandamus to dispose of his representation dated 23.06.2006 and as per the order of this Court the Commissioner, Ambattur

Municipality passed an order in Na.Ka.No.11533/2007/C1 dated 23.10.2007 stating that there is no provision in the Service Rule to transfer the Electrician to the post of Revenue Assistant.

3. The learned counsel for the petitioner would contend that even for the post of Overseer, the Street light Electricians are included as one of the feeder categories. Hence, the petitioner may be appointed as Bill Collector or Junior Assistant as mentioned in the Rule from "Any other Service". The Interim order was granted by this Court in M.P.No.2 & 2 of 2008 dated 23.03.2010 directing the respondent to keep one post vacant to the petitioner for the post of Revenue Assistant.

4. The respondent has filed a counter affidavit and stated that the Government had taken up a decision not to entertain such request. If the request is taken into consideration, the Government has to relax in respect of each and every applicant and this will lead to administrative inconvenience and filling up of the post by direct recruitment will also be jeopardised.

5. The first respondent submitted that the second respondent is the authority who has to consider the promotion of the petitioner. The second respondent would submit that the petitioner is now working in Nagerkoil and transferred by way of promotion in the post of Bill Collector. He would further submit that the petitioner was given another promotion as Revenue Assistant and working continuously in Nagerkoil Municipality.

In view of the above submissions, nothing survives for further adjudication and the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

dh

To

1. The Commissioner of Municipal
Administration, Chepauk, Chennai -5.

2. The Commissioner,
Ambattur Municipality,
Ambattur, Chennai - 53.

+1cc to Mr.S.Saravanan, Advocate, S.R.No.50474
+1cc to the Government Pleader, S.R.No.50795

W.P.No.21944 of 2008

SKV (CO)

rrs 25/09/2018.



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