



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2018

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.8529 of 2018

and

W.M.P(MD) Nos.8037 & 8038 of 2018

S.Selvaraj,
S/o Th.P.Shanmugavel,
Supervisor,
O/o Local Planning Authority,
Third Floor,
Arignar Anna Maligai,
Madurai Corporation, Madurai District.

...Petitioner

Vs.

1) The Principal Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai 9.

2) The Commissioner,
Directorate of Town & Country Planning Department,
Anna Salai, Chennai 600 002

... Respondents

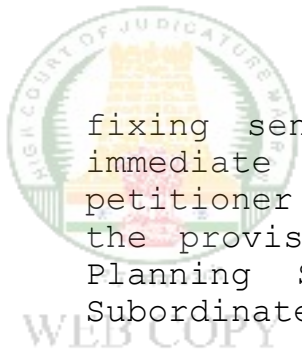
PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider and pass orders on the representation of the petitioner dated 02.06.2017, for fixing seniority in the post of Surveyor over and above his immediate junior Thiru.T.Rajan and consequently promote the petitioner as Assistant Director based on facts, merits and as per the provisions of Special Rules for Tamil Nadu Town and Country Planning Subordinate Service Rules and Tamil Nadu State and Subordinate Rules in a time bound manner.

For Petitioner : Mr.M.K.Subramanian

For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

O R D E R

The prayer sought for in this Writ Petition is to issue a Writ of Mandamus, directing the 1st respondent to consider and pass orders on the representation of the petitioner dated 02.06.2017, for



fixing seniority in the post of Surveyor over and above his immediate junior Thiru.T.Rajan and consequently promote the petitioner as Assistant Director based on facts, merits and as per the provisions of Special Rules for Tamil Nadu Town and Country Planning Subordinate Service Rules and Tamil Nadu State and Subordinate Rules in a time bound manner.

2. Heard Mr.M.K.Subramanian, learned counsel for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents.

3. The petitioner, in order to get promotion to the post of Assistant Director, had already requested the respondents and in this regard, he has given a detailed representation on 02.06.2017 to the respondents. However, without considering the said representation, the second respondent on 17.07.2017, called for names of certain officials to be included in the panel for promotion to the post of Assistant Director for the year 2016 - 2017. Therefore, the petitioner has approached this Court with the aforesaid prayer in this writ petition.

4. The learned counsel for the petitioner would submit that, though the petitioner has given a representation dated 2.06.2017 in this regard, the same was not considered. If a direction is given to the respondents, especially the second respondent and if the representation is considered and orders to that effect is passed, then the petitioner would be satisfied.

5. I have heard Mrs.S.Srimathy, learned Special Government Pleader, appearing for the respondents, who would submit that the said representation of the petitioner would be considered and order to that effect shall be passed in accordance with law within the time frame stipulated by this Court.

6. In view of the submissions made by both sides, this writ petition is disposed of in the admission stage itself, finally, with the consent of both sides, with the following direction. "That the second respondent shall consider the request of the petitioner dated 02.06.2017, with regard to the grievance of the petitioner for the promotion to the post of Assistant Director and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt copy of this order.

7. It is made clear that, if any promotion is made pursuant to the proceedings dated 17.07.2017 of the second respondent, before the consideration of the petitioner's representation as directed herein, the said promotion would not in any way affect the petitioner's right, if he ultimately, get any favourable orders from the second respondent, while considering the said representation as directed herein.



8. With these directions and observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

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/True copy/

Sub Assistant Registrar

To

- 1) The Principal Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai 9.
- 2) The Commissioner,
Directorate of Town & Country Planning Department,
Anna Salai, Chennai 600 002

+1CC TO M/S.T.S.MOHAMED MOHIDHEEN, ADVOCATE, SR NO.61981
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.62188

Order in
W.P. (MD) No.8529 of 2018
18.04.2018

sts

MS/SV-MMS/SAR-2/20.04.2018/3P.5C