



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2018

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD) No.14018 of 2018 and
W.M.P.(MD) No.12718 of 2018

A.Sivanesan

... Petitioner

-vs-

1.The Commissioner for Municipal Administration,
Ezhilagam VI Floor,
Chepauk,
Chennai.

2.The Commissioner,
Tirumangalam Municipality,
Tirumangalam.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a WRIT OF MANDAMUS directing the respondents to regularize the petitioner in the post of Record Clerk.

For Petitioner	: Mr.N.Sundaresan
For R.1	: Mr.K.Saravanan, Government Advocate
For R.2	: Mrs.Hema Karthikeyan, Standing Counsel

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to regularize the petitioner in the post of Record Clerk.

2. Heard Mr.N.Sundaresan, learned Counsel appearing for the petitioner; Mr.K.Saravanan, learned Government Advocate, who takes notice for the first respondent and Mrs.Hema Karthikeyan, learned Standing Counsel, who takes notice for the second respondent.

3. The learned Counsel appearing for the petitioner would submit that, the petitioner was appointed as Watchman by the second respondent Municipality on 29.12.1989. Thereafter, his service was changed into Office Assistant from 04.07.2006 and in that category, the petitioner had been working for the past 28 years at the second respondent Municipality. The petitioner is also a physically challenged person and so far, he has rendered unblemished service without any remarks.



4. The learned Counsel would further submit that, since the petitioner is qualified with tenth standard (S.S.L.C.,) and with that qualification, he can be considered to the next promotion post, viz., Record Clerk and a post of Record Clerk is vacant at the second respondent Municipality, from 23.05.2017, pursuant to the erstwhile incumbent died, the petitioner had given a request dated 13.06.2018 to the second respondent Municipality to consider his candidature for the promotion and appointment to the post of Record Clerk, which is vacant at the second respondent Municipality. Therefore, the learned Counsel appearing for the petitioner would submit that, if the said representation of the petitioner is directed to be considered and an order to that effect is directed to be passed by the respondents, within a time frame that may be stipulated by this Court, the petitioner would be satisfied.

5. I have heard Mr.Hema Karthikeyan, learned Standing Counsel appearing for the second respondent Municipality, who would submit that, the said request of the petitioner, dated 13.06.2018, would be considered by the second respondent Municipality, on merits and an order to that effect would be passed, within the time frame to be stipulated by this Court.

6. I have also heard Mr.K.Saravanan, learned Government Advocate appearing for the first respondent in this regard.

7. Considering the limited scope of the writ petition and taking into account the innocuous prayer sought for, this writ petition is disposed of, with the consent of both sides at the admission stage itself, with the following direction:-

"that the respondents, especially, the second respondent, is hereby directed to consider the said request of the petitioner, dated 13.06.2018, with regard to his claim for promotion to the post of Record Clerk as he has rendered unblemished service as Office Assistant at the second respondent Municipality for nearly 28 years and also as the post of Record Clerk became vacant on 23.05.2017 at the second respondent Municipality and pass orders thereon, after considering the merits of the claim of the petitioner for considering his candidature for the said promotion and appointment, objectively, within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed."

Sd/-

Assistant Registrar (CO)

// True Copy //



To

1.The Commissioner for Municipal Administration,
Ezhilagam VI Floor,
Chepauk,
Chennai.

2.The Commissioner,
Tirumangalam Municipality,
Tirumangalam.

+1cc to Mr.N.Sundaresan, Advocate, Sr.No.70649.
+1cc to Mrs.K.Hema Karthikeyan, Advocate, Sr.No.71110.
+1cc to Special Government Pleader Sr.No.70825.

W.P. (MD) No.14018 of 2018
02.07.2018

gk

RAM-KK/RP/SAR 1/04.12.2018/3P/6C