



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2018

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.5060 of 2014

and

M.P.(MD) No.1 of 2014

B.Joseph Raj

... Petitioner

-vs-

1.The State of Tamil Nadu-Rep. By
its Secretary to Government Municipal
Administration and Water Supply
Department (MaNa V),
Chennai-600 009.

2.Tirichirapalli City Municipal Corporation-
Rep. by its Commissioner,
Tirichirapalli

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent herein to regularize the Service of the Petitioner by way of up gradation of his Service as Technical Assistant as per G.O.Ms. No.125, Municipal Administration and Water Supply(Na Pa3) Department, dated 27.05.1999 and consequently consider the name of the petitioner for promotion to the Post of Junior Engineer in the second respondent Corporation.

For Petitioner	: Mr.V.Sasikumar
For R-1	: Mr.J.Gunaseelan Muthiah, Additional Government Pleader.
For R-2	: Mr.N.S.Karthikeyan

O R D E R

The petitioner is the holder of Diploma in Civil Engineering. He acquired the said qualification in the year 1986. He registered himself with the Employment Exchange in the same year. When the second respondent Corporation called for a list of candidates for the post of Technical Assistant in the cadre of N.M.R. through Employment Exchange, the writ petitioner's name was also sponsored. The writ petitioner was issued with the necessary appointment order on 18.05.1994. Along with the writ petitioner, five other persons were likewise appointed as Technical Assistants (N.M.R on daily wages). They were all regularized on 29.06.2007 in the capacity of unskilled workers. Aggrieved by the same, all the six persons including petitioner herein lodged representations with the second respondent. Since no action was taken, other five persons filed W.P.(MD) No.2866 of 2009 and the Principal Bench, by order dated 04.07.2014, allowed the writ petition. The second respondent



Corporation preferred writ appeal questioning the said order dated 04.07.2014, but the writ appeal was dismissed. Following the direction of this Court, the other five persons were appointed as Technical Assistants. The petitioner herein, who is identically placed, seeks grant of similar relief. In other words, the petitioner is on par with those five others individuals namely, M.R.Ramesh, L.Anthony Jones, A.Ganesh Babu, R.Diwakar, L.Pushparani. There is no reason to discriminate against the petitioner alone. Therefore, the second respondent is directed to appoint the petitioner also as Technical Assistant.

2.This writ petition is allowed as indicated above. The second respondent is directed to extend the same benefit as extended to the other five individuals to the petitioner also. Such an order will be issued within a period of three weeks from the date of receipt of a copy of this order. The petitioner will not be given a differential treatment, only on the ground that he filed writ petition later. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1.The Secretary to Government Municipal
Administration and Water Supply
Department (MaNa V),
The State of Tamil Nadu,
Chennai-600 009.

2. The Commissioner,
Tiruchirapalli City Municipal Corporation,
Tiruchirapalli.

+1cc to M/S.V.Sasikumar, Advocate SR.No. 45599
+1cc to M/S.N.S.Karthikeyan, Advocate SR.No. 45580
+1cc to Special Government Pleader, SR.No. 45965

W.P. (MD) No.5060 of 2014
31.01.2018

cp/Arul
JM/SV MMS/SAR 3/16.02.2018/2P/6C