



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2018

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THE HON'BLE Mr.JUSTICE R.SURESH KUMAR

W.P.(MD) No.16011 of 2018

S.Maheswari

... Petitioner

-vs-

The Commissioner of Madurai Corporation,
Madurai-625 002.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondent i.e., the Commissioner, Madurai Corporation to implement the orders issued by the Commissioner of Municipal Administration, Chennai in his Letter No.R.C.2404/2016 dated 26.02.2018, by including the petitioner's name in the seniority list of Assistants, within a specified time that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

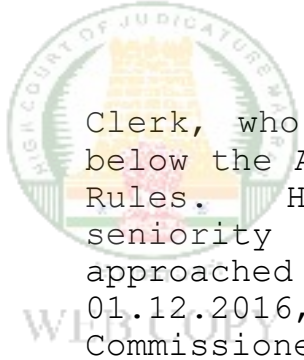
For Respondent : Mr.R.Murali

O R D E R

The prayer sought for in this Writ Petition is for a writ of Mandamus, directing the respondent i.e., the Commissioner, Madurai Corporation to implement the orders issued by the Commissioner of Municipal Administration, Chennai in his Letter No.R.C.2404/2016 dated 26.02.2018, by including the petitioner's name in the seniority list of Assistants, within a specified time that may be fixed by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the respondent.

3. The learned counsel appearing for the petitioner would submit that the petitioner was a compassionate ground appointee, appointed as an Office Assistant in the year 1984 and joined duty on 09.08.1984. Thereafter, since the petitioner earned the qualification of B.A., (Special Economics), based on the said qualification, she was posted as Computer-cum-Clerk on 05.02.1990 and till date, she has been serving as Computer cum Clerk.



Clerk, who have already drawn the salary of Assistant were placed below the Assistant, as per Tamil Nadu Municipal Corporation Service Rules. However, the petitioner name was not included in the seniority list of Assistants. Therefore, the petitioner's approached this Court by filing W.P.(MD).No.11437 of 2009, dated 01.12.2016, where this Court has given a direction to the Commissioner of Madurai Corporation, Madurai, to place the Computer-cum-Clerk as junior most in the category of Assistants.

5. Based on the said order passed by this Court, the Commissioner of Municipal Administration by his proceedings in R.C.2404/2016 dated 26.02.2018, issued a direction to the respondent Corporation, to include the petitioner's name in the seniority list of Assistants with effect from 07.03.2008. Though such direction was given to the respondent, the same was not implemented by the respondent Corporation. Therefore, the petitioner has given a representation on 28.03.2018 to the respondent Corporation and in respect of the said representation, no orders has been passed. Therefore, the petitioner is before this Court with the present Writ Petition.

6. Heard Mr.R.Murali, learned Standing counsel, appearing for the respondent, who, would submit that, certainly, the request of the petitioner dated 28.03.2018, would be considered by the respondent on merits and in accordance with law and an order to that effect, taking into account, the directions issued by the Commissioner of Municipal Administration, Chennai, vide order dated 26.02.2018, shall be passed within a time frame.

7. I have heard the learned counsel appearing for both sides and perused the materials placed before this Court.

8. Admittedly, pursuant to the order passed by this Court dated 01.02.2016, the Commissioner of Municipal Administration, Chennai had already given a direction to the Respondent Municipal Corporation by his proceeding dated 26.02.2018 to place the petitioner in the appropriate place in the seniority list, i.e., lower to the already working Assistants. Such order has not been complied with by the respondent Municipal Corporation, in spite of the representation given by the petitioner on 28.03.2018. The inaction on the part of the respondent is not appreciable and therefore, this Court is inclined to pass the following order.

"that the respondent is directed to pass orders on the representation of the petitioner dated 28.03.2018, by implementing the orders issued by the Commissioner of Municipal Administration, Chennai, vide Letter No.R.C.No.2404/2016 dated 26.02.2018 and pass orders thereon by placing the petitioner in the appropriate place in the list of Assistants working in the respondent Corporation and such orders shall be passed within a period of four weeks from the date of receipt of a copy of this order.



9. With these directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(C.O)

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/True Copy/

Sub Assistant Registrar(CS-II)

tsg

To,

The Commissioner,
Madurai Corporation,
Madurai-625 002.

+1cc to Mr.S.Visvalingam, Advocate in SR No.74321

+1cc to Mr.R.Murali, Advocate in SR No.74517

W.P.(MD)No.16011 of 2018

NM/RSK/SAR II/09.11.18/2P/4C.