

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.670 of 2019

S.Kanivalan

..Petitioner

Vs

The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.

.. Respondent

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Mandamus, directing the respondent to restore the seniority of the petitioner in the post of Junior Engineer w.e.f. 04.01.2013 with all monetary and service benefits including refixation of pay within the time limit fixed by this Court.

For Petitioner : Mr.M.Vijayakumar

For Respondent : Mr.R.S.Selvam
Government Advocate.

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus, directing the Respondent to restore the seniority of the petitioner in the post of Junior Engineer w.e.f. 04.01.2013 with all monetary and service benefits including refixation of pay within the time limit fixed by this Court.

2. The case of the petitioner is that the petitioner is now working as Assistant Engineer in Electrical Department, Greater Chennai Corporation Zone IV.I and was initially appointed as an ITI Temporary worker during the year 1996 and his service were regularized as Labour. The petitioner was promoted to the post of Electrician in the year 2010. The petitioner was sincerely working without any bad antecedents, whatsoever, upto the satisfaction of his Superiors till date.

3. The learned counsel appearing for the petitioner would submit that the petitioner was duly considered for the next level of promotion from the post of Junior Engineer to the post of Assistant Engineer. Accordingly his seniority has to be re-fixed w.e.f. 04.01.2013 and his scale of pay has to be re-fixed with monetary benefits and arrears of pay. The petitioner approached the respondents seeking above said benefits by way of representation dated 13.12.2018, which was not yet been considered by the respondents. The inaction on the part of the respondent is unlawful. Hence, the petitioner was constrained to file the present writ petition.

4. Hence the petitioner filed this writ petition for a direction, directing the respondent to restore his seniority in the post of Junior Engineer w.e.f. 04.01.2013 with all monetary benefits and service benefits.

5. The learned counsel for the petitioner would further submit that it would suffice if this Court issues direction to the respondent to consider the petitioner's representation dated 13.12.2018 within a time frame.

6. Without expressing any opinion on merits, I am inclined to issue a direction to the respondent to dispose of the Writ Petitioner's representation dated 13.12.2018, within a period of twelve weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

kmm

To

The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai - 600 003.

+1cc to Mr.M.Vijayakumar, Advocate, S.R.No.77869
+1cc to the Government Pleader, S.R.No.78488

W.P.No.670 of 2019

CS/31/10/2019