

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.14540 of 2016

S.Ethiraj

Retd - Municipal Commissioner

... Petitioner

Vs.

1. The State of Tamil Nadu
rep. by the Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St. George,
Chennai-9.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai-5. ... Respondents

* * *

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the second respondent to dispose of the representation made by the petitioner dated 03.02.2016 and further direct the respondents to grant notional promotion to the petitioner on par with his juniors with re-fixation of pay scale and revised pensionary benefits.

* * *

For Petitioner : Mr.R.Karthikeyan

For Respondent : Mr.N.Inbanathan
Additional Government Pleader

ORDER

The petitioner seeks a direction to the second respondent to dispose of his representation dated 03.02.2016 with a further direction to grant notional promotion to the petitioner on par with his juniors with re-fixation of pay scale and revised pensionary benefits.

2. The learned Additional Government Pleader has filed a counter-affidavit, along with which, he produced the proceedings of the second respondent in ROC No.3746/2017/C1, dated 21.02.2017 and the same reads as follows :

"With reference to your representation 3rd cited, it is stated that the request has already been rejected vide this office letter 2nd cited and as per rule in force the request of promotion on par with juniors and revision of pay cannot be complied as the juniors were not promoted to higher post they were appointed to higher post on working arrangement basis."

3. A perusal of the said communication reveals that a similar representation made by the petitioner on 05.04.2015 was rejected on 15.10.2015 itself. However, there is no material placed before this Court to show as to how the said proceedings dated 21.02.2017 was communicated to the petitioner, as the learned counsel for the petitioner claimed that the petitioner was neither served with the order 15.10.2015 nor the letter dated 21.02.2017.

4. Be that as it may, the representation of the petitioner has been considered and an order has been passed. If the petitioner is aggrieved by the said order, he is at liberty to challenge the same in the manner known to law.

5. With the above observations, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Municipal Administration and
Water Supply Department,
Government of Tamil Nadu,
Fort St. George, Chennai-9.

2. The Commissioner of Municipal Administration,
Chepauk, Chennai-5.

+1 CC TO GOVERNMENT PLEADER SR.NO. 17663

+1cc to Mr.R.Karthikeyan , Advocate SR.No. 17417

+1cc to Mr.R.Karthikeyan , Advocate SR.No. 17417 24.4.19

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A.SK(29/03/2019)