

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.26417 of 2019

S. Ethiraj
Sanitary Inspector Grade-II,
Puducherry Municipality,
Puducherry. ..Petitioner

vs

1. Union of India
Represented by the Secretary to Government
(L.A.) Chief Secretariat,
Puducherry.

2. The Director,
Local Administration Department,
Puducherry- 605001.

3. The Commissioner,
Puducherry Municipality,
Puducherry- 605 001.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus or any other appropriate writ, order or directions under Article 226 of the Constitution of India directing the respondents to consider the representation initially filed on 03.12.2002 and lastly filed 11.07.2019 within the time limits as fixed by this Hon'ble Court and pass orders.

For Petitioner : Mr. P. Suresh

For Respondents : Mr. A.V. Ramalingam, AGP (Puducherry)

O R D E R

The case of the petitioner is that the petitioner joined the Puducherry Municipality on daily wages basis in the year 1980. Thereafter he was absorbed into regular establishment in the post of 'Sanitary Assistant' on 01.06.1987. At the time of joining the Municipality, he possessed the educational qualification of S.S.L.C..

2. The next promotional post to that of 'Sanitary Assistant' is 'Sanitary Maistry Grade II'. The respondent took 10 years to promote the petitioner and he was promoted to the

post of Sanitary Maistry Grade II with effect from 20.12.1997 onwards.

3. Thereafter the petitioner was sponsored by the respondents to undergo six months 'Certificate Course' in sanitation in Community College of Pondicherry University during the year 1998.

4. The next promotional post to that of Sanitary Maistry Grade II is 'Sanitary Maistry Grade-I' which is in the Pay Band of Rs.5200-20,200+ Grade pay of Rs.2000/-. The Sanitary Maistry Grade-II with 3 years of service is eligible for consideration for promotion to the post of Sanitary Maistry Grade-I. A D.P.C. was convened on 01.07.1998 for promotion to the post of Sanitary Maistry Grade-I and he was not considered. Thereafter, he was promoted as Sanitary Maistry Grade-I on 01.07.2004 after a lapse of six years. The petitioner was given in-charge of the post of Sanitary Inspector Grade-II with effect from 30.11.2008. However he was not given any additional remuneration for performing the duties of the higher post of Sanitary Inspector Grade-II. Thereafter, the Municipality Council pursuant to the resolution, during May 2015, initiated proposal for promotion to the post of Sanitary Inspector Grade II. Hence, due to the inaction on the part of the respondent, the petitioner submitted a representation on 11.07.2019 to the first respondent. As this representation has not been considered, the present Writ Petition is filed.

5. The learned counsel for the petitioner would submit that without expressing any opinion on the merits of the case, this court may issue direction to the first respondent to consider the representation dated 11.07.2019 on merits and in accordance with law.

6. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, I am inclined to issue direction to the first respondent to dispose of the representation dated 11.07.2019 submitted by the petitioner in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mrn

To

1. The Union of India
Represented by the Secretary to Government
(L.A.) Chief Secretariat,
Puducherry.

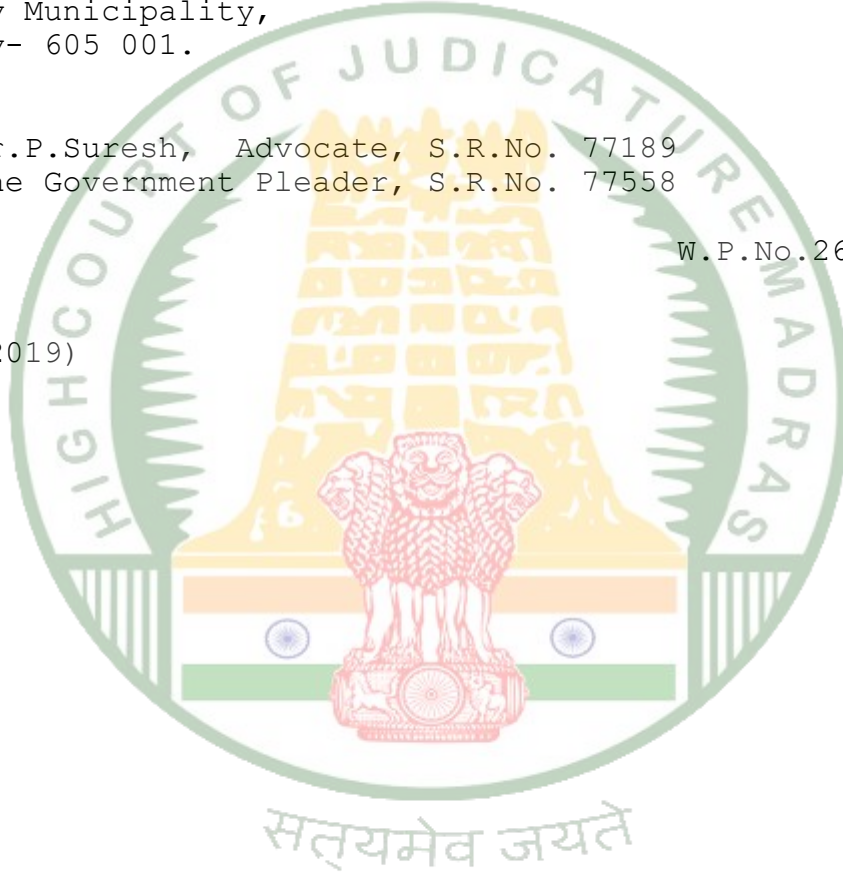
2. The Director,
Local Administration Department,
Puducherry- 605001.

3. The Commissioner,
Puducherry Municipality,
Puducherry- 605 001.

+1cc to Mr.P.Suresh, Advocate, S.R.No. 77189
+1cc to the Government Pleader, S.R.No. 77558

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GP(CO)
GN(12/11/2019)



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