

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27775 of 2019

and

W.M.P.No.27310 of 2019

1.V.Ganesan

2.M.Dhanapalan

... Petitioners

Vs.

1.The State of Tamil Nadu  
Rep. by its Principal Secretary to Government  
Municipal Administration and Water Supply Dept.,  
Fort St. George  
Chennai 600 009

2.The Director of Town Panchayats  
Kuralagam  
Chennai 600 108

3.The District Collector  
Salem District  
Salem

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to grant promotion to the post of Junior Assistant / Bill Collector by recruitment by transfer with retrospective effect from the panel year 2004-2005 with all consequential and attendant benefits including the arrears of salary within a time frame fixed by this Court.

For Petitioners : Mr.G.Sankaran

For Respondents : Mrs.R.Janaki, AGP

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O R D E R

By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioners is that they are initially appointed in Town Panchayat services in basic service, qualified for promotion to the post of Junior Assistant / Bill Collector, whereas after provincialization to the post of Junior Assistant / Bill Collector, their promotion opportunity was deprived, consequently, the Government issued orders in G.O.Ms.No.150, MAWS Department dated 19.08.1998 earmarking 20% vacancies to the post of Junior Assistant /Bill Collector to be filled up from non-provincialized post based on eligibility by recruitment by transfer by preparing year wise panel by the District Committee, to be completed December 31<sup>st</sup> every year and to obtain TNPSC concurrent before 28<sup>th</sup> of February every year. Accordingly, their names were included in the panel for the year 2004-2005 and it was forwarded to the Commissioner, Municipal Administration, but the same was not implemented and no promotion was effected. Subsequently, the petitioners were given promotion only in the year 2015, after a lapse of 10 years, thereby, they were deprived of their right to promotion based on the relevant panel year. In the said circumstances, the petitioners submitted representation on 15.04.2019 to the respondents to grant promotion with retrospective effect from the relevant panel year 2004-2005 with consequential and attendant benefits and the same has not been considered by the respondents till date. Hence, the petitioners are before this Court.

3.The learned counsel for the petitioners would submit that it would suffice if a direction is issued to the respondents to consider the representation of the petitioners made on 15.04.2019, within a reasonable time fixed by this Court.

4.The learned Additional Government Pleader would accede to the submission made by the learned counsel for the petitioners and submitted that the same will be considered on merits and in accordance with law.

5.Thus, without going into the merits of the case, this Court is inclined to direct the respondents to consider the representation sent by the petitioners on 15.04.2019 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

6.With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary to Government  
Municipal Administration and Water Supply Dept.,  
Fort St. George  
Chennai 600 009

2.The Director of Town Panchayats  
Kuralagam  
Chennai 600 108

3.The District Collector  
Salem District  
Salem

+1cc to Government Pleader SR.NO. 81191  
+1cc to Mr.G.Sankaran, Advocate SR.NO. 80944

W.P.No.27775 of 2019

rji(co)  
nr 01/11/2019

सत्यमेव जयते  
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