

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.32891 of 2019

1 K.Kumaravel ... Petitioner

Vs

- 1 The Principal Secretary to
Government Municipal Administration and
Water Supply Department Secretariat
Chennai-9.
- 2 The Commissioner of Municipal
Administration No.75,
Santhome High Road,
Raja Annamalaipuram,
Chennai-28.
- 3 The Commissioner
Salem, City Municipal Corporation,
Salem-636 001. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a WRIT OF MANDAMUS, directing the 1st respondent to consider the representation submitted by the petitioner dated 31.10.2019 in accordance with the orders issued in GO (MS) No.140 MAWS Department dated 27.5.1997 for elevation as Special Revenue Assistant on completion of 20 years of service within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mrs.R.Janaki, AGP for R1 & R2
Mr.S.Sathesh, SC for
Salem Corporation for R3

ORDER

- 1.The present writ petition has been filed by the petitioner praying for the issuance of Writ of Mandamus, to direct the 1st respondent to consider the representation submitted by the

petitioner dated 31.10.2019 in accordance with the orders issued in GO (MS) No.140 MAWS Department dated 27.5.1997 for elevation as Special Revenue Assistant on completion of 20 years of service within a reasonable period as may be fixed by this Court.

2.Heard both sides.

3.According to the petitioner, the petitioner is working as Revenue Assistant in Salem City Municipal Corporation and his services in the said post of Revenue Assistant is for more than 20 years. While so, the Government has issued orders in G.O.Ms.No.140 MAWS Department dated 27.05.1997 that the Revenue Assistant working for more than 20 years in the same post maybe elevated as Special Revenue Assistant. In the mean while, the 3rd respondent has published a seniority list dated 13.02.2017 wherein the petitioner's name found place below one Thiru.N.Srinivasan and above Thiru .M.Madheswaran. The 3rd respondent has already sent a proposal to Government for elevation of the Revenue Assistant upto Thiru.N.Srinivasan. The petitioner has also completed 20 years of service in the year 2017 itself and therefore the petitioner is entitled to be considered for elevation as Special Revenue Assistant as per G.O.Ms.NO.140 MAWS Department dated 27.05.1997 and therefore the petitioner submitted representation to the respondent finally on 31.10.2019 to consider his case and the same is still pending and as there was no action forthcoming from the respondents, the petitioner is before this Court.

4.The learned counsel for the petitioner would submit that the petitioner is entitled for elevation as Special Revenue Assistant having put in more than 20 years of service in the same post and the said G.O.Ms.No.140 MAWS Department dated 27.05.1997 is not implemented by the respondents. Hence, the learned counsel would pray that it would suffice if this Court directs the first respondent to consider and dispose of the representation dated 31.10.2019, made by the petitioner in accordance with law.

5.The learned Government Advocate appearing for the respondents while conceding the claim of the petitioner, would submit that if any such direction is given by this Court, the same would be complied with and the representation of the petitioner dated 31.10.2019 would be disposed of 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 a direction to the first respondent to consider the representation dated 31.10.2019 made by the petitioner and dispose of the same in accordance with law,

within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above observation, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

jrs

To

1 The Principal Secretary to
Government Municipal Administration and
Water Supply Department Secretariat
Chennai-9.

2 The Commissioner of Municipal
Administration No.75,
Santhome High Road, Chennai-28.

3 The Commissioner
Salem, City Municipal Corporation,
Salem-636 001.

+1cc to Mr.S.Sathish, Advocate, S.R.No. 97916

+1cc to Mr.T.Ranganathan, Advocate, S.R.No. 98311

+1cc to the Government Pleader, S.R.No. 98454

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RGN (CO)
GN (30/01/2020)

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