

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.11.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No. 33149 of 2019

E.Ramalingam

..Petitioner

Vs

1. The Director,
Local Administration Department,
Puducherry.

2.The Commissioner,
Puducherry Municipality,
Puducherry.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 23.11.2016 within a stipulated period and in accordance with law.

For Petitioner : Mr.K.Govi Ganesan
For Respondent : Mr. Stalin Abimanyu

O R D E R

Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondent to consider the petitioner's representation dated 23.11.2016 within a stipulated period and in accordance with law.

2. Heard both sides and perused the records. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioners is that the petitioner was appointed as Octroi Barrier Officer by the 2nd respondent in the year 1983 and subsequently promoted as Inspector (Octroi). Due to abolition of the said post, the petitioner and other workers were accommodated as Junior Assistant as per the directions of this Court and subsequently, except the petitioner all other similarly placed persons were given promotion. Therefore, the

petitioner has made a representation to the respondent on 23.11.2016, but no action has been taken by the respondent till date. Hence the present writ petition.

4. The learned counsel appearing for the petitioner has submitted after abolition of the collection of Octroi duty, the petitioner and other similarly placed persons were accommodated only as per the order of this Court and subsequently all the promotional and monetary benefits were granted. In the absence of any valid reason and disciplinary proceedings, not considering the case of the petitioner for promotion is unreasonable.

5. Mr. Stalin Abimanyu, learned counsel appearing for the respondent had vehemently argued that the seniority was fixed by taking into the account of the past services rendered by them as OBO and revised tentative seniority list was also prepared and as per the seniority, promotions were given.

6. Considering the facts and circumstances of the case and also the fact that the respondent had acknowledged the petitioner's representation and no action has been taken till date, I am of the view that, it would be appropriate to direct the respondents to consider and pass orders on the petitioner's representation within a stipulated time.

7. Accordingly, the respondent is directed to consider the petitioner's representation dated 23.11.2016 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. The writ petition is accordingly disposed of. No costs.

सत्यमेव जयते
Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

1. The Director,
Local Administration Department,
Puducherry.

2.The Commissioner,
Puducherry Municipality,
Puducherry.

+1 cc to Mr.K.Goviganesan Advocate sr90645

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