

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.33554 of 2019

and

W.M.P.No.34016 of 2019

R.Kumanan

... Petitioner

Vs.

1.The Commissioner of Municipal Administration
Urban Administrative Building
75, Santhome High Road
R.A.Puram, M.R.C.Nagar
Chennai 600 028

2.The Regional Director of Municipalities
Arisipalayam, Salem Region
Salem

3.The Commissioner
Idappadi Municipality
Salem District

...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 consider the petitioner for promotion to the post of Junior Assistant in the vacancy arose with effect from 20.11.2019 in the 3rd respondent Municipality as per the orders passed in W.A.No.236 of 2010 dated 20.06.2017, based on the representation submitted by the petitioner dated 22.11.2019 with all consequential and other attendant benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.K.S.Suresh, G.A. for R1 & 2

Mr.Lourdu Paul Maurya for R3

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 petitioner is that the petitioner while working as Watchman from 05.07.1994 on regular basis in the 3rd respondent Municipality, transferred and posted as office Assistant since both the posts are equivalent posts. The next avenue of promotion is to the post of Junior Assistant / Revenue Assistant in Municipal Service. When the petitioner anticipating promotion, three NMRs were engaged without any method of appointment in the year 2000, suddenly given appointment as Revenue Assistant in the existing vacancies, culminated into filing of O.A.No.811 of 2001 / W.P.No.32702 of 2005 and further Writ Appeal in W.A.No.236 of 2010. In the Writ Appeal, this court passed final orders on 20.02.2017 stating that the claim of petitioner for promotion would be considered in the next arising vacancy by recording the undertaking given by the counsel appearing for the respondent Municipality. In this regard, a vacancy arose to the post of Junior Assistant due to transfer of incumbent Thiru.P.Thangadurai vide proceedings of 3rd respondent dated 19.11.2019. Therefore, the petitioner submitted representation to the Respondent on 22.11.2019 by referring to the orders of this court in W.a.No.236 of 2010 dated 20.06.2017. the petitioner is presently 52 years old and having only short period of service and working for more than 24 years of service even without single promotion, but the same has not been considered. Hence, this writ petition.

3.The learned counsel for the petitioner submitted that, it would suffice if a direction is issued to the respondents to consider the petitioner for promotion to the post of Junior Assistant in the vacancy arose with effect from 20.11.2019 in the 3rd Respondent Municipality as per the orders passed by this court in W.A.No.236 of 2010 dated 20.06.2017 based on the representation submitted by the petitioner dated 22.11.2019, within a reasonable time fixed by this Court.

4.The learned Government Advocate appearing for the Respondents 1 & 2 would accede to the submission made by the learned counsel for the petitioner and submitted that if any such representation was received by the respondents, 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 of petitioner dated 22.11.2019 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.

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

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

kas
To.

1.The Commissioner of Municipal Administration
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2.The Regional Director of Municipalities
Arisipalayam, Salem Region
Salem

3.The Commissioner
Idappadi Municipality
Salem District

+1 cc to Government Pleader sr100713
+1 cc to M/s.G.Sankaran Advocate sr100296
+2 ccs to M/s.Lourdu Paul Maurya Advocate sr99898

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