

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2019

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.34350 of 2018

B.Thirumurthy

... Petitioner

vs

The Commissioner
Erode City Municipal Corporation
Erode.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondent to promote the petitioner for the post of Junior Engineer based on the representation dated 16.10.2018.

For Petitioners : M/s.R.Poornima

For Respondents : Mr.M.Rajamathivanan,
Standing Counsel

O R D E R

The petitioner was initially appointed as Overseer in the erstwhile Grade 3 Municipality. On account of upgradation of the Erode Municipality as a City Municipal Corporation, the said Grade 3 Municipality was merged with Erode Municipality in the year 2011. The petitioner's post was converted as Technical Assistant from 16.12.2011. After the upgradation of Erode Municipality as Corporation, the posts of Junior Engineer in the Corporation were created and sanctioned. It is the claim of the petitioner that though the petitioner was eligible to be promoted to the post of Junior Engineer and he possessed all the necessary qualifications for the same, the respondent Corporation issued orders appointing the petitioner as Junior Engineer (In-charge) on working arrangement and the petitioner was made to work in the said post without any monetary benefit and without giving him the grade pay eligible for the said post. The petitioner has made various representations in this regard, which did not evoke any response and hence the petitioner has

filed the present writ petition, seeking direction to the respondent to promote the petitioner for the post of Junior Engineer based on the representation dated 16.10.2018.

2. Mr.M.Rajamathivanan, learned Standing Counsel takes notice on behalf of the respondent and submits that the claim of the petitioner would be considered in accordance with law.

3. This Court is of the view that there is no reason as to why the petitioner could not be promoted on regular basis when there is a vacancy and also when the petitioner is notionally promoted to work as Junior Engineer (in-charge). Under the circumstances, the respondent is directed to consider the representation of the petitioner dated 16.10.2018 and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

kst

To

The Commissioner
Erode City Municipal Corporation
Erode.

+1 cc to Mr.M.Rajamathivannan, Advocate Sr.No.315
+1 cc to M/s.R.Poornima, Advocate Sr.No.611

सत्यमेव जयते

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CSL/28.01.2019

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