



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.4097 of 2015

and

M.P.[MD]Nos.1 & 2 of 2015

R.Balu

... Petitioner

Vs.

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

2.The Director,
Town Panchayat,
Chennai - 600 108.

3.The District Collector,
Trichy,
Trichy District.

4.The Assistant Director,
Town Panchayat,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the impugned order in G.O.Ms.No.14 Municipal Administration and Water Supply Department dated 23.01.2015 and quash the same as unconstitutional and consequently direct the respondents to implement the G.O.Ms.No.150 Municipal Administration and Water Supply dated 19.08.1998 issued by the Government of Tamil Nadu in its letter and spirit thereby giving appointment to the petitioner as Junior Assistant, Tax Collectors, etc., in Town Panchayat in Trichy District from the date of entry into service.

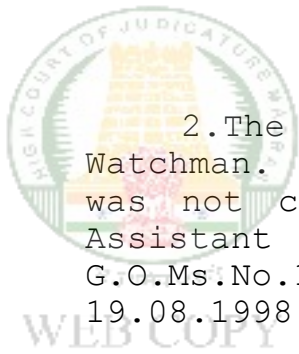
For Petitioners : Mr.R.Pon Karthikeyan

For Respondents : Mr.K.Mu.Muthu

Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is to call for the records in relation to the Government order passed in G.O.Ms.14 Municipal Administration and Water Supply Department dated 23.01.2015 and quash the same and direct the respondents to implement G.O.Ms.No.150 Municipal Administration and Water Supply dated 19.08.1998.



2.The writ petitioner was initially appointed as Night Watchman. The grievances of the writ petitioner is that his claim was not considered for further promotion to the post of Junior Assistant with reference to the Government order issued in G.O.Ms.No.150 Municipal Administration and Water Supply dated 19.08.1998.

3.Learned Counsel for the writ petitioner states that many other juniors to the writ petitioner were already promoted to the post of Junior Assistant and further it is contended that in other districts the Government order issued in G.O.Ms.No.150, Municipal Administration and Water Supply dated 19.08.1998, had already been implemented and many number of last grade servants were promoted as Junior Assistants / Bill Collectors and in the equivalent category. This being the factum, the respondent at Trichy District has not implemented the Government Order issued in G.O.Ms.No.150. Thus, the writ petitioner is constrained to move the present writ petition.

4.The learned Additional Government Pleader brought to the notice of this Court that the name of the writ petitioner is already included in the seniority list for the purpose of promotion to the post of Junior Assistant in accordance with the orders passed in G.O.Ms.No.150 and whenever the turn comes, the case of the petitioner will be considered.

5.This Court is of the considered opinion that the Rule of seniority as well as the G.O.Ms.No.150, are to be scrupulously followed by the respondents. Now, it is an admitted fact that the name of the petitioner has already been included in the seniority list. This being the factum, the case of the petitioner is directed to be considered as per the Rules in force whenever the turn comes.

6.With these directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (ADII)

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Sub Assistant Registrar(CS)

To

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

2.The Director, Town Panchayat, Chennai - 600 108.

3.The District Collector, Trichy, Trichy District.

4.The Assistant Director, Town Panchayat, Trichy District.

+One cc to Mr.R.Ponkarthikeyan, Advocate, SR.No.73169

+One cc to The Special Government Pleader, SR.No.75478