



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **29.03.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

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WP(MD)Nos.14192 and 22987 of 2017 and
WMP(MD).No.11102 of 2017 in W.P(MD).No.14192 of 2017

R. Sankar

... Petitioner in both W.Ps

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai - 600 009.

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

3.The District Collector,
Madurai District,
Madurai - 625 020.

4.The District Collector,
Kanyakumari District,
Nagercoil.

5.The District Collector,
Virudhunagar District,
Virudhunagar.

6.The Assistant Director of Town Panchayats,
Madurai Zone at Madurai Collectorate,
Madurai - 625 020.

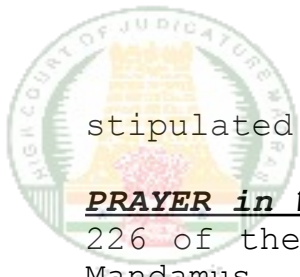
... Respondents in both WPs.

7.R. Elangovan

8.K.Chitra

... Respondents 7 and 8 in
WP(MD)No.14192 of 2017

PRAYER in WP(MD).No.14192 of 2017: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 23.03.2015 and 10.07.2015 and promote the petitioner as Executive Officer (Special Grade), with effect from 16.03.2015 on par with the petitioner's Junior - 7th respondent and consequently, further promote the petitioner as Assistant Director of Town Panchayats with effect from 25.01.2016 i.e., on par with the petitioner's Junior - 7th respondent and grant all the service monetary and other attendant benefits within a time



stipulated by this Court.

PRAYER in WP (MD) .No.22987 of 2017: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to place the name of the petitioner in between S.No.1 and S.No.2 (i.e) after the name of R.Senthilkumar and above the name of N.Vijayalakshmi as S.No.1A in the Tentative Executive Officer (Special Grade) seniority list dated 21.10.2017 and further direct the respondents to give the petitioner Executive Officer (Special Grade) and also further direct them to promote petitioner as Assistant Director on par with his juniors with all service and other monetary benefits.

For Petitioner : Mr.A. Thirumurthy in both W.Ps.
for M/s. Victory Associates

For Respondents 1 to 6: Mr. C.M. Mari Chellaiah Prabhu
Additional Government Pleader
in both W.Ps.

COMMON ORDER

Seeking promotion as Executive Officer with effect from 16.03.2015 and further promotion as Assistant Director of Town Panchayats, with effect from 25.01.2016 on par with the petitioner's Junior and grant all the service, monetary and other attendant benefits, he has made representations, dated 23.03.2015 and 10.07.2015. Due to non-consideration of the same, the petitioner has approached this Court with the present Writ Petitions.

2. Upon notice, the respondents filed a counter affidavit, wherein at paragraph No.12 it has been stated as follows:

"12. It is submitted that consequent to G.O.Ms.No.64, dated 05.02.1985, and G.O.Ms.No.800, dated 16.12.1988, it is only the Government, with the concurrence of TNPSC, who can regularize the services and declare probation of personnel working as Typist / Bill Collector. Admittedly, the petitioner's probation in the post of Bill Collector had been declared vide order dated 14.07.1986 of the then Executive Officer, after he was transferred to the post of Typist on 02.07.1986, which was an irregularity. Also admittedly, the petitioner's probation in the post of Typist had been declared vide order dated 15.09.1990 of the 3rd respondent, after the issuance of the G.O.Ms.No.64, dated 05.02.1985, which again was another irregularity. These irregularities in the case of the petitioner could be cured only by the ratification by the Government, which is under active consideration. The petitioner is well aware of the said fact. The



petitioner has rushed to this Hon'ble Court without waiting for the orders from the Government regarding his irregular declarations of probation in the posts of Bill Collector and Typist."

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3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents, who submitted that the claim of the petitioner would be considered, after ratification of the irregularities by the Government.

4. Recording the averments made in the counter affidavit filed by the respondents, the respondents are directed to consider the claim of the petitioner and pass appropriate orders, within a period of six weeks from the date of receipt of the orders from the Government relating to ratification of the probation of the petitioner.

5. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar (CS)

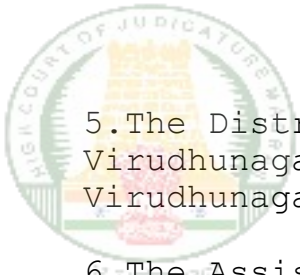
To

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai - 600 009.

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

3. The District Collector,
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Madurai - 625 020.

4. The District Collector,
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Nagercoil.



5.The District Collector,
Virudhunagar District,
Virudhunagar.

6.The Assistant Director of Town Panchayats,
Madurai Zone at Madurai Collectorate,
Madurai - 625 020.

+1cc to Mr.A.THIRUMURTHY, Advocate, SR.No.57816
+1cc to M/s.Special Government Pleader,SR.No. 58100

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