



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.23128 of 2019

WEB COPY

M.Lakshmanan

... Petitioner

Vs.

The Commissioner,
Trichirappalli Corporation,
Trichirappalli-620 001.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent herein by taking into consideration of the Government Order issued in G.O.(Ms)No.277/Municipal Administration and Water Supply (MC.5) Department dated 29.06.2018 to issue necessary orders for promoting the petitioner to the post of Conservancy Supervisor in the respondent Corporation within a stipulated time as that may be fixed by this Court.

For Petitioner : Mr.A.Saravanan

For Respondent : Mr.S.Saji Bino

Standing Counsel for Trichy Corporation

ORDER

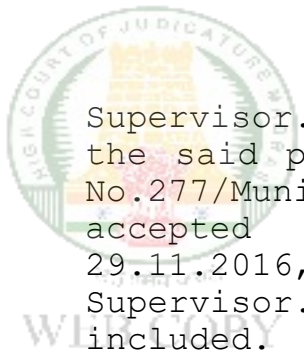
This Writ Petition is filed to direct the respondent to issue necessary orders for promoting the petitioner to the post of Conservancy Supervisor in the respondent Corporation, by taking into consideration of the Government Order issued in G.O.(Ms) No.277/Municipal Administration and Water Supply (MC.5) Department dated 29.06.2018, within a time frame.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The petitioner was appointed as Sanitary Worker on 22.03.2000 in the respondent Corporation. Subsequently, he was temporarily promoted as Sanitary Supervisor at Srirangam Division. The said post is also called as Conservancy Supervisor. By G.O.(MS) No.73/Municipal Administration and Water Supply Department, dated 08.05.1998, the Government sanctioned to appoint 11 posts of Record Assistant and 70 posts of Conservancy Supervisor in the respondent Corporation.

4.The respondent Corporation sent a proposal, dated 29.11.2016 for promoting the petitioner and others as Conservancy

<https://hcservices.ecourts.gov.in/hcservices/>



Supervisor. The Commissioner of Municipal Administration forwarded the said proposal to the Government. The Government, by G.O.(MS) No.277/Municipal Administration and Water Supply Department, accepted the proposal of the respondent Corporation, dated 29.11.2016, for promoting the list of candidates as Conservancy Supervisor. In the said list, the petitioner's name was also included. However, the petitioner was not promoted, whereas, the other candidates were promoted.

5.The petitioner completed 10th Standard in Open University-Pre Foundation Course at Madurai Kamaraj University, Madurai. The respondent has sought clarification with regard to the education qualification of the petitioner as to whether the qualification of the 10th Standard in open University / Pre Foundation Course at Madurai Kamarajar University, Madurai, is equivalent to SSLC/Higher Secondary Course. On 13.08.2018, the respondent Corporation forwarded a letter to the State Government seeking clarification in respect of the petitioner's qualification and promotion, in view of the Government Order in G.O.(MS)No.144/Personnel and Administrative Reforms (M) Department, dated 20.11.2017. The Government, by its letter dated 14.06.2019, sent a reply stating that the proposal of the respondent Corporation for promoting the Sanitary Workers as Conservancy Supervisors, dated 29.11.2016, was received by the Government on 21.03.2017 i.e. prior to the issuance of G.O.(MS) No.144/ Personnel and Administrative Reforms (M) Department, dated 20.11.2017 and orders were issued on 29.06.2018 and requested the respondent Corporation to take appropriate action by taking into consideration of the said aspect of the matter. The respondent has referred the matter to the Audit Department for clarification in respect of promotion.

6.The learned counsel appearing for the petitioner submitted that the Government itself clarified the proposal of the respondent Corporation and that G.O.(MS)No.144 was issued only with regard to new entry and it is not applicable to the petitioner and hence, he prayed for allowing this Writ Petition.

7.The learned counsel appearing for the respondent submitted that the issue is whether the petitioner is possessing necessary educational qualification to promote him as Conservancy Supervisor and the same is referred to Audit Department and as and when the clarification is received from the Audit Department, necessary orders will be issued and hence, he prayed for dismissal of this Writ Petition.

8.Heard the learned counsel appearing on either side and perused the materials on record.

9.It is seen from the records and materials that the petitioner was initially appointed as Sanitary Worker and he was promoted as Sanitary Supervisor on 23.05.2008. The



respondent sent a proposal on 29.11.2016 for promoting the petitioner and other candidates as Conservancy Supervisor and the Government also accepted the said proposal and issued G.O.(Ms) No.277/Municipal Administration and Water Supply Department, dated 29.06.2018 promoting the list of candidates as Conservancy Supervisor including the petitioner. The doubt raised by the respondent as to whether the petitioner is having required educational qualification to be promoted as Conservancy Supervisor, is clarified by the Government stating that the proposal was submitted before issuance of G.O.(Ms)No.144/Personnel and Administrative Reforms (M) Department, dated 20.11.2017.

10.In view of the said clarification, the action of the respondent referring the matter to Audit Department is erroneous and the petitioner is entitled to be promoted as Conservancy Supervisor as per the proposal and acceptance by the Government.

9.In the result, this Writ Petition is allowed as prayed for.
No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

gns

TO

The Commissioner,
Trichirappalli Corporation,
Trichirappalli-620 001.

+2 CC to MR.A.SARAVANAN, Advocate (SR-97182[F] dated 11/11/2019)
+1 CC to MR.S. SAJI BINO, Advocate (SR-97926[F] dated 13/11/2019)

W.P. (MD) No.23128 of 2019
11.11.2019

_MK (02.12.2019) 3P 5C