

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2020

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THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.17598 of 2007
(O.A.No.1409 of 2004)

1.S.Ramamoorthy

2.C.Vijayakumar

3.P.Janaki

4.R.Poongodi Arumaikan Petitioners

Vs.

1. Government of Tamil Nadu
Rep. by Secretary to Government,
Municipal Administration and
Water Supply Department,
Chennai - 600009.

2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 600005.

3. K.Kanagaraj,
Assistant Commissioner,
City Municipal Corporation,
Coimbatore.
(Representing the Assistant
Section Officers of the Secretariat).

4. P.Murugesan
Municipal Commissioner,
Virudhunagar.
(Representing the Superintendents of
the Directorate of Municipal Administration). Respondents

PRAYER : Originally this petition has been filed as Original Application No.1409 of 2004 before the Tamil Nadu Administrative Tribunal at Chennai and after abolition of TNAT, petition has been transferred and numbered as W.P.No.17598 of 2007.

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to (1)

Govt.Lr.No.6287/ME.I/2002 - 2 dated 23.09.2002 and (2) G.O.(4D) No.4, Municipal Administration and Water Supply Department, dated 26.08.1997 herein to refix the seniority of the Applicants in the category of Municipal Commissioners, Grade III as per Rule 2(c) of the Special Rules for Tamil Nadu Municipal Commissioner Subordinate Service and consequently refix the upgradation list of Municipal Commissioners, Grade II, issued in G.O.Ms.No.221, Municipal Administration and Water Supply Department, dated 28.09.1999 and to grant consequential service and monetary benefits including promotion, by preparing presumptive panel every year commencing from 1989 onwards as per Rules depending upon the vacancy that has arisen during the relevant period and by including the names of the Applicants in the appropriate place and year, within a time limit.

For Petitioners: Mr.M.Ravi

For Respondents: Mr.K.Magesh
Special Government Pleader [for R1 to R3]

ORDER

This Writ Petition has been filed challenging Govt.Lr.No.6287/ME.1/2002-2 dated 23.09.2002 and G.O.(4D)No.4, Municipal Administration and Water Supply Department, dated 26.08.1997, to refix the seniority of the petitioners in the category of Municipal Commissioners, Grade III as per Rule 2(c) of the Special Rules for Tamil Nadu Municipal Commissioner Subordinate Service and consequently refix the upgradation list of Municipal Commissioners, Grade II, issued in G.O.Ms.No.221, Municipal Administration and Water Supply Department, dated 28.09.1999 and to grant consequential service and monetary benefits including promotion, by preparing presumptive panel every year commencing from 1989 onwards as per Rules depending upon the vacancy that has arisen during the relevant period and by including the names of the petitioners in the appropriate place and year, within a time limit.

2. The petitioners have filed the Original Application before the Tamil Nadu Administrative Tribunal, Chennai. Subsequently, due to abolition of the Tribunal, this matter was transferred to this Court and renumbered as W.P.No.17598 of 2007.

3. Learned Special Government Pleader appearing for the respondents 1 to 3 would submit that during the pendency of the writ petition, the petitioners got promoted and the relief sought for in this writ petition has become infructuous as nothing survives in this writ petition for further adjudication. He has also produced G.O.(Ms)No.173 dated 15.11.2011 to that effect before this Court.

4. Considering the submission made by the learned Special Government Pleader and in view of the subsequent development made in the writ petition that the petitioners got promotion in the year 2011 itself, nothing survives in this writ petition to be adjudicated upon further. Accordingly, the Writ Petition stands dismissed as infructuous. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Chennai - 600009.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 600005.
3. K. Kanagaraj,
Assistant Commissioner,
City Municipal Corporation,
Coimbatore.
(Representing the Assistant
Section Officers of the Secretariat).
4. P. Murugesan
Municipal Commissioner,
Virudhunagar.
(Representing the Superintendents of
the Directorate of Municipal Administration).

+1 cc to The Government Pleader, Sr.No. 38662

UM(CO)
RMP(19/01/2021)

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