

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16224 of 2013

1.Dinathayalan
2.Sundaramurthy
3.Murthy
4.Sundaramurthy
5.Mani
6.Raman
7.Raja
8.Amirthalingam
9.Sivaraj

... Petitioners

Vs.

The Commissioner,
Pondicherry Municipality,
Puducherry.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider and promote the petitioners to the post of Work Inspector on par with the Helpers of the petitioners namely Mazdoors with effect from the date on which the Mazdoors have been promoted with all other consequential benefits including arrears of wages, seniority, etc.

For Petitioners: Mr.V.Ajayakumar

For Respondent : Mr.T.M.Naveen

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondent to consider and promote the petitioners to the post of Work Inspector on par with the Helpers of the petitioners namely Mazdoors with effect from the date on which the Mazdoors have been promoted with all other consequential benefits including arrears of wages, seniority, etc.

2.The case of the petitioners is that the petitioners initially joined as Mason in Pondicherry Municipality on daily rated basis during the years 1987 and 1995 and subsequently, their services were regularised. The grievance of the petitioners is that since they were appointed as Masons, they were not given further promotions. Further, the petitioners are also denied of ACP and MACP, which an employee is entitled to receive on completion of 12 years and 24 years of service. Hence, this writ petition.

3.The learned counsel appearing for the petitioners would submit that aggrieved by the denial of promotion, one similarly situated person namely, P.Arumugam filed W.P.No.11398 of 1996 before this Court and vide order dated 03.02.2007, the said writ petition was allowed by this Court. Inorder to avail such benefit, the petitioners made representation to the respondent, however, the same has not yet been considered. Hence, this Court may issue direction to the respondent to pass appropriate orders on the representation made by the petitioners.

4.The learned counsel appearing for the respondent would submit that the order dated 03.02.2007 made in W.P.No.11398 of 1996 was subsequently modified by this Court in W.M.P.No.330 of 2008 on 18.09.2009.

5.At this juncture, the learned counsel appearing for the petitioners would submit that this Court may grant liberty to the petitioners to work out the remedy in the manner known to law.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.From the submissions made on either side, it is known that one P.Arumugam, similarly situated person like the petitioners had filed W.P.No.11398 of 1996 before this Court and vide order dated 03.02.2007, this Court had allowed the said writ petition. Inorder to avail such benefit, the petitioners have made representation to the respondent, however, subsequently, the order dated 03.02.2007 made in W.P.No.11398 of 1996 has been modified by this Court in W.M.P.No.330 of 2008 on 18.09.2009.

8.In view of the above, this writ petition is dismissed. However, liberty is granted to the petitioners to work out the remedy in the manner known to law. This order is confined only to the petitioners and this order should not be cited as a precedence in other cases. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

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Sub Assistant Registrar

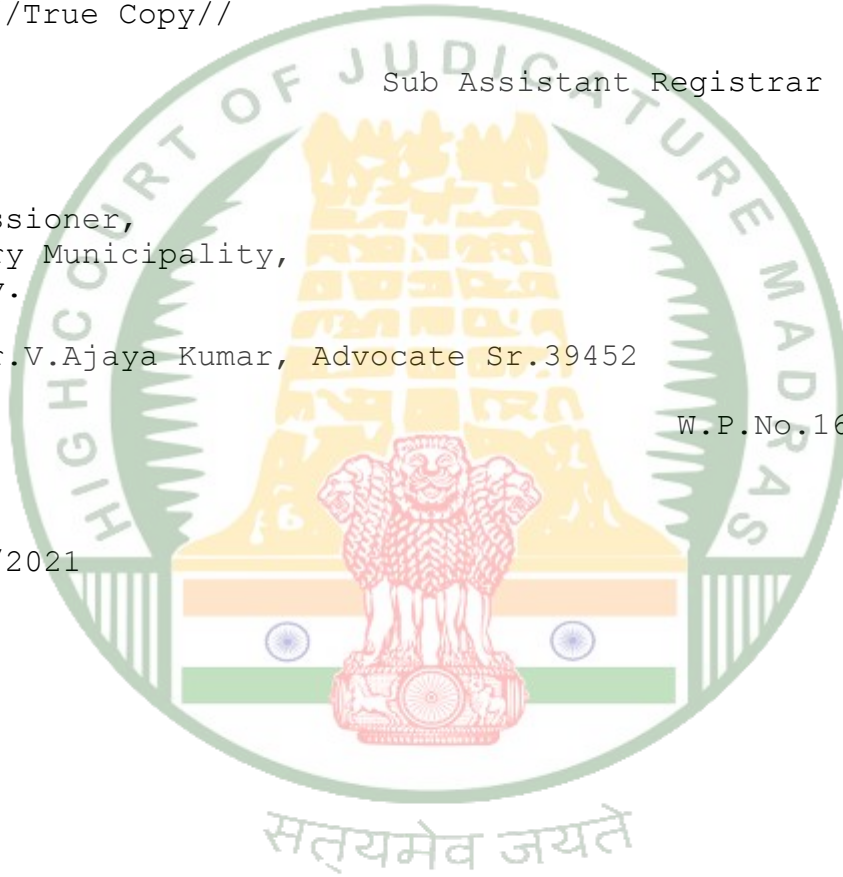
To

The Commissioner,
Pondicherry Municipality,
Puducherry.

+1cc to Mr.V.Ajaya Kumar, Advocate Sr.39452

W.P.No.16224 of 2013

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