

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.495 of 2020
and CMP Nos..7324 and 7325 of 2020

C. Vijayakumar ... Appellant

-vs-

1. The State of Tamil Nadu
rep by its Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005 Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 13.01.2020 in W.P.No.10244 of 2020 on the file of this Court.

Prayer in WP No.10244 of 2020 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to promote the petitioner with effect from 18.08.2012 the date of promotion of his junior and fix his pay in the category of Joint Director of Municipal Administration notionally and grant monetary and other benefits with effect from 11.01.2018 and to restore the petitioner's original seniority and place the petitioner above his immediate juniors in Joint Director Post as in annexure I of G.O.(Ms)No.221, Municipal Administration and Water Supply Department, dated 28.09.1999 in accordance with the order dated 29.09.2018 in CMP.No.14442 of 2018 in W.A.No.576 of 2017.

For Appellant	: Mr.G. Sankaran
For Respondents	: Mr.V. Jayaprakash Narayanan State Govt. Pleader

JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

Heard learned counsel for the appellant.

2. Learned counsel for the appellant contends that the learned Single Judge has erred in directing the passing of the orders of promotion after 09.04.2015, which, according to the learned counsel, runs counter to the benefit already extended to the appellant in terms of the clarificatory judgment dated 29.09.2018 of the Division Bench. The contention is that this would in effect take away the entitlement benefit to which the appellant is entitled to, and he therefore prays that the petitioner's representation dated 30.10.2018 and 24.12.2018 may be simply directed to be decided on merits.

3. After hearing learned State Government Pleader, learned counsel for the appellant contends that he may be permitted to withdraw the original writ petition itself to enable the appellant to pursue the representations dated 30.10.2018 and 24.12.2018 before the appropriate authority.

4. To this prayer made on behalf of the appellant, learned State Government pleader has no objection and we, therefore, dispose of this appeal, permitting the appellant, seeking withdrawal of his writ petition which would stand disposed of as withdrawn with liberty to the appellant to pursue his representations dated 30.10.2018 and 24.12.2018 before the competent authority, who shall consider the same and pass appropriate orders within three months from the date of presentation of the certified copy of the order without being influenced by the impugned judgment dated 13.01.2020. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

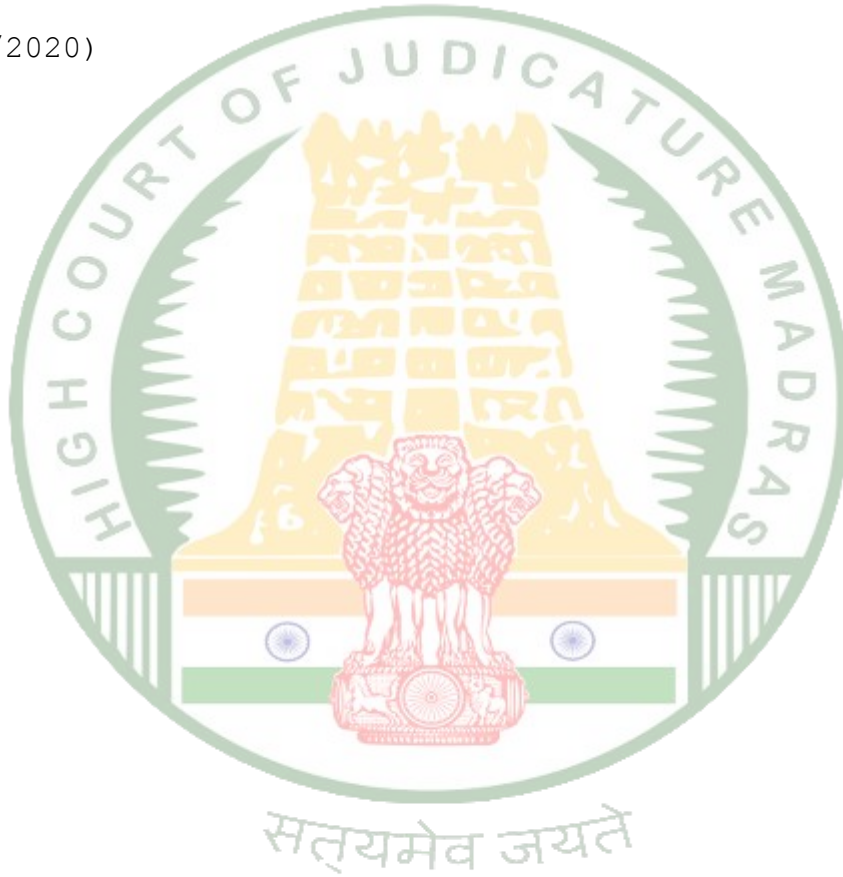
sr

To

1. The State of Tamil Nadu
rep by its Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005

W.A.No.495 of 2020

MG (CO)
GMY (28/07/2020)



WEB COPY