

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.35692 of 2019

M.Madheswaran

... Petitioner

-Vs-

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

2.The Commissioner of Municipal Administration,
No.75, Santhome High Road,
R.A.Puram,
Chennai 600 028.

3.The Commissioner,
Salem City Municipal Corporation,
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to pass appropriate orders on the representation of the petitioner dated 02.12.2019, in the light of the seniority already arrived by the 3rd respondent in his proceedings C2/2117/2017 dated 17.10.2017 and based on the orders issued in G.O.Ms.140 MAWS Department dated 27.5.1997, within a reasonable period as may be fixed by this Hon'ble Court.

For Petitioner : Mr.T.Ranganathan

For Respondents: Mr.S.Suresh Kumar,
Government Advocate for RR1 and 2.

Mr.S.Sathish,
Standing Counsel for R3.

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed for issuance of Writ of Mandamus directing the first respondent to pass orders based on the representation made by the petitioner dated 02.12.2019 within the time fixed by this Court.

3.The case of the petitioner is that he was appointed as Water Tax Collector by the proceedings of the Commissioner of Dharmapuri Municipality in the year 1995. He was thereafter relieved and posted as Revenue Assistant at Salem City Municipal Corporation on 24.08.1995. Subsequently, by proceedings dated 22.05.1996, the Commissioner of Salem Corporation appointing the petitioner as Sanitary Supervisor. The grievance of the petitioner is that he has put in more than twenty years of service and he is entitled for being considered as Special Revenue Assistant with all consequential benefits by virtue of G.O.Ms.No.140 MAWS Department dated 27.05.1997. The further grievance of the petitioner is that the Commissioner of Salem City Municipal Corporation has already published the seniority list on 07.03.2017 and the name of the petitioner also finds place in the said seniority list and the proposal has already been sent to the Government for elevation of the Revenue Assistants in accordance with G.O.Ms.No.140 MAWS Department dated 27.05.1997. Since there was no response, the petitioner made a representation to the respondents on 02.12.2019 and has approached this Court seeking for appropriate directions.

5.Heard the learned counsels on either side and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the 1st respondent to consider the representation made by the petitioner on 02.12.2019 and pass appropriate orders strictly in accordance with law within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with a copy of the representation dated 02.12.2019 and a copy of this order.

7.This writ petition is disposed of with the above directions. There shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

2.The Commissioner of Municipal Administration,
No.75, Santhome High Road,
R.A.Puram,
Chennai 600 028.

3.The Commissioner,
Salem City Municipal Corporation,
Salem.

+lcc to Mr.T.Ranganathan, Advocate Sr.267

W.P.No.35692 of 2019

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srg 18/02/2020



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