



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2020

CORAM:

THE HONOURABLE **MR.JUSTICE RMT.TEEKAA RAMAN**

W.P.(MD)Nos.5932 and 10598 of 2013

and M.P.(MD)Nos.1, 1, 2 & 2 of 2013

W.P. (MD)No.5932 of 2013:-

A.Ramachandran

... Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.

2.The Commissioner,
Thoothukudi City Municipal Corporation,
113, Palai Road, Thoothukudi.

3.M.Saravanan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the Commissioner, Thoothukudi Corporation, the second respondent herein made in reference No.E2/13135/2012 dated 05.04.2013 quash both the proceedings and consequently direct the second respondent herein to restore already settled seniority list dated 31.10.2012 give effect to the resolution No.274 dated 24.12.2012 resolution to promote the petitioner to the post of Assistant Executive Engineer in Thoothukudi City Municipal Corporation, Thoothukudi with effect from the date of recommendation of petitioner's name for promotion with all consequential service, monetary and attended benefits.

For Petitioner : Mr.K.Rajkumar

For R1 : Mr.M.Muniasamy,
Additional Government Pleader

For R2 : Mr.S.Saji Bino

For R3 : No Appearance

W.P. (MD)No.10598 of 2013:-

A.Ramachandran

... Petitioner

Vs.



1.The Secretary to Government,
Municipal Administration and
Water Supply (Ma.Na.6) Department,
Fort.St.George, Chennai-600 009.

2.The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.

3.The Commissioner,
Tuticorin City Municipal Corporation,
Tuticorin 628 002.

4.The Mayor,
Tuticorin City Municipal Corporation Council,
Tuticorin 628 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the Commissioner, Tuticorin City, Municipal Corporation, the third respondent herein to forthwith give effect to the resolution No.274, dated 24.12.2012 passed by the Tuticorin City Municipal Corporation Council, Tuticorin and thereby promote the petitioner herein to the post of Assistant Executive Engineer, Tuticorin City Municipal Corporation, Tuticorin, notionally with effect from 24.12.2012 namely the date on which the resolution has been passed as has been done by other corporation in similar matter with all consequential attendant service and monetary benefits due to the petitioner and disburse all the arrears within a short date that may be fixed by this Court.

For Petitioner : Mr.K.Rajkumar
For R1 & R2 : Mr.M.Muniasamy,
Additional Government Pleader

For R3 & R4 : Mr.S.Saji Bino

COMMON ORDER

The learned counsel appearing for the petitioner filed a memo. In paragraph No.2 of the memo, he has stated as under:-

"2.Pending the writ petitions, the Thoothukudi Corporation by its letter dated 20.08.2020 made in Na.Ka.No.F1/1503/17 has offered promotion to the petitioner to an equalent post of Assistant Executive Engineer (planning) in Thoothukudi Corporation subject to the condition that the petitioner withdraws the above writ petitions. The petitioner has decided to accept the offer and accordingly wrote a letter dated 28.08.2020 to the



counsel on record and received the same on 31.08.2020 with an instruction to withdraw the above writ petitions."

2.Memo recorded. In view of the memo filed by the learned counsel for the petitioner, the writ petitions are dismissed as withdrawn. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.
- 2.The Commissioner,
Thoothukudi City Municipal Corporation,
113, Palai Road, Thoothukudi.
- 3.The Secretary to Government,
Municipal Administration and
Water Supply (Ma.Na.6) Department,
Fort.St.George, Chennai-600 009.
- 4.The Commissioner,
Tuticorin City Municipal Corporation, Tuticorin 628 002.

+1 CC to M/s.K.Rajkumar, Advocate (SR-16147[F] dated 07/09/2020)
+1 CC to M/s.S. SAJI BINO, Advocate (SR-16038[F] dated 07/09/2020)
+1 CC to M/s.GP (SR-16084, 16086& 16335)

W.P. (MD) Nos.5932 and 10598 of 2013

kg (CO)

TR(11.09.2020) 3P 8C