



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2020

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.5311 of 2020

A.Prabhu

... Petitioner

vs.

1)The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Fort St.George,
Chennai-9.

2)The Commissioner of Municipal Administration,
Chepauk,
Chennai-104.

3)The Commissioner,
Tiruchirappalli City Corporation,
Cantonment,
Tiruchirappalli.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent herein to give promotion to the petitioner to the post of Technical Assistant in the 3rd respondent Corporation by considering the petitioner's representation dated 20.01.2020 on merits and in accordance with law within a time limit as stipulated by this Hon'ble Court.

For Petitioner : Mr.K.Hemakarthiskeyan

For R1 & R2 : Mr.K.Mu.Muthu
Additional Government Pleader

For R3 : Mr.N.S.Karthikeyan

**ORDER**

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the 1st respondent herein to give promotion to the petitioner to the post of Technical Assistant in the 3rd respondent Corporation by considering his representation dated 20.01.2020 on merits and in accordance with law within a time limit.

2.The petitioner would submit that he completed SSLC in 1998 and Diploma in Electrical and Electronics Engineering in 2003. His father worked as a Sanitary Supervisor in the 3rd respondent corporation and he died on 11.07.2002 while in service. The petitioner as the legal heir of his father, made an application for compassionate appointment which was not considered immediately. However, by proceedings of the 3rd respondent dated 08.09.2008, the petitioner was appointed as unskilled worker. According to the petitioner, he was qualified for appointment as Technical Assistant, but since there was no vacancy in the said post, he was appointed as unskilled worker. The petitioner completed his probation on 10.09.2010.

3.He would further state that one Saravanan whose father died while in service in the 3rd respondent Corporation, was appointed as Technical Assistant on compassionate grounds in the existing vacancy on 03.04.2006. As per G.O.Ms.No.1499, Labour and Employment (Q1) Department, dated 03.08.1989, if a person who was appointed in the lower post on compassionate grounds, is qualified to higher post, he can be considered for appointment in the higher post, if there is any vacancy. According to the petitioner, he has possessed qualification for appointment as Skilled Assistant Grade-I and Technical Assistant. He has completed 12 years of service as unskilled worker and since no promotional opportunities are available in the 3rd respondent corporation, he continues to be working as selection grade unskilled worker. Further, no cadre strength was fixed for the post of Skilled Assistant Grade-I, and therefore, no one was promoted to the said post. Every time, the Government has passed orders by relaxing the rules or degrading the post of Technical Assistant into Skilled Assistant Grade-I in the 3rd respondent corporation.

4.Therefore, six persons who were working as Skilled Assistant Grade-II approached this Court by filing W.P(MD)No.1838/2014 and this Court by order dated 04.02.2014, had directed the 1st respondent/Government to consider their claim. Pursuant thereto, the 1st respondent has degraded the post of Technical Assistant into Skilled Assistant Grade-I and given promotions to those six writ petitioners vide G.O(P)No.504, Municipal Administration and Water Supply (Ma.Na.V) Department, dated 30.12.2016 by ratifying the orders passed by the 3rd respondent. In yet another writ petition in W.P(MD)No.5519/2017 filed by one J.Baskaran, this Court by order



dated 28.03.2017 was pleased to dispose of the writ petition by directing the 1st respondent to consider the claim of the petitioner for promotion to the post of Skilled Assistant Grade-I and pursuant to the said order, the 1st respondent promoted the said J.Baskaran to the post of Skilled Assistant Grade-I by degrading the post of Technical Assistant vide G.O.MsNo.484, Municipal Administration and Water Supply Department, dated 15.12.2017. Therefore, the petitioner made a representation dated 20.01.2020 to the respondents seeking promotion to the post of Technical Assistant or Skilled Assistant Grade-I. As there was no response, the petitioner has filed this writ petition.

5.The learned counsel for the petitioner would state that it is suffice, if a direction is issued to the respondents to consider and pass orders on the petitioner's representation dated 20.01.2020 in the light of the orders passed for similarly placed persons, within a time frame to be fixed by this Court.

6.The learned Additional Government Pleader would state that the respondents will pass orders on the petitioner's representation dated 20.01.2020 within a time frame.

7.Recording the submissions on either side, without expressing any opinion on the claim made by the petitioner, the respondents are directed to consider the petitioner's representation dated 20.01.2020 in the light of the orders passed for similarly placed persons, and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (A.S)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1)The Secretary to Government,
Government of Tamil Nadu,
Municipal Administration and
Water Supply Department,
Fort St.George, Chennai-9.

<https://hcservices.ecourts.gov.in/hcservices/>



2)The Commissioner of Municipal Administration,
Chepauk,
Chennai-104.

3)The Commissioner,
Tiruchirappalli City Corporation,
Cantonment,
Tiruchirappalli.

+1 CC to M/s.K,HEMAKARTHIKEYAN, Advocate SR-11614.

+1 CC to The SPL.GP SR-11782.

+1 CC to M/s.N.S.KARTHIKEYAN, Advocate SR-11908.

ORDER MADE IN
W.P(MD)No.5311 of 2020
DATED : 13.03.2020

CS (02.07.2020) 4P 7C