

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2021

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2348 of 2021

V.Ramasubramanian

...Petitioner

vs.

1. The Secretary,
Municipal Administration & Water Supply
(MC~5) Department,
Secretariat, Fort St. George,
Chennai 600 009.

2. The Commissioner,
Municipal Administration,
11th Floor, Urban Administrative Building,
Santhome High Road,
MRC Nagar,
Chennai 600 028.

3. The Commissioner,
Salem Corporation,
Salem District - 636 001.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd Respondent to consider the Petitioner's representation dated 23.11.2020 and taking into account his services rendered in Tiruppur Municipality for promotion of Superintendent in future seniority.

For Petitioner : Mr.B.K.Kumaresan
For Respondents : Ms.K.Bhuvaneswari,
AGP

ORDER

Petitioner has come up with this Writ Petition seeking a direction to the 3rd Respondent to consider his representation dated 23.11.2020 taking into account the services rendered by him in Tiruppur Municipality for promotion to the post of 'Superintendent' in future seniority.

2. When the matter was taken up for hearing, learned counsel for the Petitioner pointed out that, the Petitioner was appointed as Junior Assistant at Tiruppur Municipality on 12.07.1995 vide G.O.(3D) No.82, dated 30.06.1994. He further submitted that, in the seniority list, the Petitioner's date of joining at Salem Corporation on transfer from Tiruppur Municipality, is mentioned as 12.06.2000 and his past services were not taken into account.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. On a perusal of the records, it is seen that, in the seniority list, the Petitioner's date of joining at Salem Corporation has not been mentioned. Once a person is transferred on request, he will be placed at the bottom-most seniority in the same post, in which he was employed in the erstwhile place and in case, there is no vacancy, he will be placed at the top-most seniority in the next lower level. Hence, the Petitioner cannot seek to place him above others, who have not sought for transfer. However, the Petitioner has stated that, he has joined the services at Tiruppur Municipality on 12.07.1995 and the same has to be taken into account for the purpose of calculating monetary benefits.

5. This Court is not inclined to grant any relief with regard to the Petitioner's promotion even though a representation has been innocuously made to that effect. Even otherwise, the Petitioner is under the zone of consideration and there is no need to place him above others, unless that person has also gone on request transfer and joined the place after the Petitioner.

6. In view of the foregoing, this Court directs the 3rd Respondent herein to consider the Petitioner's representation dated 23.11.2020 and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Asst.Registrar (CS-VI)

/true copy/

Sub Asst. Registrar

(aeb)

To:

1. The Secretary,
Municipal Administration & Water Supply
(MC~5) Department, Secretariat,
Fort St. George, Chennai 600 009.
2. The Commissioner,
Municipal Administration,
11th Floor, Urban Administrative Building,
Santhome High Road, MRC Nagar,
Chennai 600 028.
3. The Commissioner,
Salem Corporation,
Salem District - 636 001.

+1cc to M/s.E.K.kumaresan, Advocate, SR.No.6113

W.P.No.2348 of 2021

PM(CO)
KKV/15/03/2021



WEB COPY