



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE DHANDAPANI

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Writ Petition (MD)No.15013 of 2010

and

M.P. (MD) .Nos.1 to 3 of 2010

P.Mohamed Ismail

... Petitioner

Vs.

1. The Director of Municipal Administration, Ezhilagam, Chepauk, Chennai - 5.
2. The Additional Director Of Municipal Administration, Ezhilagam, Chepauk, Chennai - 5.
3. The Commissioner, Schenkottai Municipality, Schenkottai, Tirunelveli District.
4. N.Thirumurthy,
5. S.Narayanan, .
6. S.Dharmaraj,
7. G.Venkatesan,
8. T.Saravanan,
9. R.Ramamurthy,
10. A.Arjunan,
11. R.Murthy,
12. R.Surulinathan,
13. R.Muthukumar,
14. R.Palaniguru,
15. S.Muthumariappan,
16. R.Shanmugavelu,
17. A.Ramakrishnan,
18. M.Syed Abudhahir,
19. P.Murugesan,
20. S.Selvam,
21. M.Ramesh, ... Respondent(s) in WP(MD). 15013/ 2010

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records from the first respondent Director of Municipal Administration relating to the impugned Approved Panel of Sanitary Inspector fit for promotion for the year 2010-2011 prepared and approved by him in his Roc.No.30863/2010/J1, dated 20.12.2010 and



quash the same and direct the first respondent to prepare a fresh panel for 2010-2011 by including the name of the petitioner, placing him on the top in seniority and to promote the petitioner as Sanitary Officer in the year 2010-2011 and to grant such other or further relief.

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For Petitioner : Mr.P.Senthur Pandian
For R1 to R3 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader
For R4 to R9 : No Appearance
For R13 to R1 : No Appearance

ORDER

This writ petition has been filed challenging the Approved Panel of Sanitary Inspector prepared by the first respondent and approved by him in his Roc.No.30863/2010/J1, dated 20.12.2010 and quash the same and consequently direct the first respondent to prepare a fresh panel for the year 2010 - 2011, by including the name of the petitioner.

2. The case of the petitioner is that he is working as Sanitary Inspector in the third respondent Municipality from the year 2005 and his next promotional post is Sanitary Officer. The feeder category for the promotion post as Sanitary Officer is Sanitary Inspector post. Every year, a statewide provisional seniority list was drawn by the Director of Municipal Administration, the first respondent herein and circulated to the individual Municipality with pro-forma for the recommendation or rejection of those candidates whose name finds place from the particular Municipality by its Commissioner. The grievance of the petitioner is that his name was not included in the Panel for the year 2010 - 2011 for the post of Sanitary Officer. Hence, the petitioner has filed the present writ petition.

3. The learned counsel appearing for the petitioner would submit that a charge memo was issued against the petitioner in the year 2005 and after conducting an enquiry, the same was ended into punishment of stoppage of increment for three months without cumulative effect in the proceedings of the first respondent in Na.Ka.No.14036/2005/J4, dated 19.02.2009. Aggrieved by the same, the petitioner has preferred an appeal before the appellate authority and the appellate authority has also confirmed the order of punishment, on 15.07.2009. He would further submit that though the petitioner has completed the currency of punishment, his name was not included in the Panel for the year 2010 - 2011, for the post of Sanitary Officer and the same is contrary to law. Hence, he prays for allowing this writ petition.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the petitioner was under



punishment during the panel period i.e., 01.04.2009 to 30.03.2010 and hence, his name was not included in the panel for the year 2010 - 2011. He has also relied on Paragraph Nos.7, 9, 11 and 12 of the counter affidavit filed by the second respondent.

5. Heard the learned counsel for the petitioner, learned Special Government Pleader appearing for the respondents 1 and 3 and perused the materials available on record.

6. The grievance of the petitioner is that his name was not included in the Panel for the post of Sanitary Officer for the year 2010 - 2011. Though the petitioner has claimed that the punishment was over as early as 2009, a perusal of the counter affidavit filed by the second respondent reveals that the punishment awarded to the individual was effected from 01.01.2010 to 31.03.2010 and the crucial date of preparation of the Panel for the year 2010 - 2011 is on 15.03.2010. Hence, his name was not included in the Panel for the year 2010 - 2011, as per G.O.(Ms).No.368, P & AR Department, dated 18.10.1993. Therefore, this Court do not find any error in the Approved Panel prepared by the first respondent, dated 20.12.2010. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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 Director of Municipal Administration,
Ezhilagam,
Chepauk,
Chennai -5.

2.The Additional Director of
Municipal Administration,
Ezhilagam,
Chepauk,
Chennai -5.

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



3.The Commissioner,
Schenkottai Municipality,
Schenkottai,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-699[F] dated 08/01/2021)

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SMV(CO)
KB(29.01.2021) 4P 5C