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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.02.2021
CORAM:
THE HONOURABLE MR.JUSTICE M.S.RAMESH
W.P.(MD) No.2528 of 2021

1.A.Palanikumar

2.S.Thiruppathi

3.P.Regunathan ...Petitioners

Vs.

1.The State of Tamil Nadu,
represented by its Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai – 600 009.

2.The Commissioner,
Municipal Administration and Water Supply Department,
Chepauk,
Chennai – 600 005.

3.The Commissioner,
Madurai City Municipal Corporation,
Arignar Anna Maaligai,
Madurai – 625 002. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to pass appropriate orders regarding promotion of the petitioners to the post of Assistant Engineer, based up the proceedings of the 3rd respondent in Ma.Ni.27/10219/2019, dated 15.09.2020 and in the light of G.O.(Pa) 393, dated 23.09.2017 passed by the 1st respondent and in the light of the order passed in W.P(MD)No.18186 of 2016, dated 22.09.2016 within the stipulated time as fixed by this Court.

For Petitioners : Mr.K.K.Kannan
For Respondents : Mr.P.Kannithevan
1 & 2 Additional Government Pleader

O R D E R

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

2.The petitioners are aggrieved against the non consideration of their candidatures for promotion to the post of Assistant Engineer. It is settled proposition of law that a writ of Mandamus would not ordinarily lie, unless the employee approaches the

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authorities concerned, requesting them to redress his grievances and only in cases, when such authorities have either denied their request or have not considered the request for a considerable time, this Court would interfere.

3.In the present case, the petitioners had not chosen to make any representation to the 1st respondent seeking for passing of promotion order. However, it is claimed that they would be entitled to have such promotion to the post of Assistant Engineer in view of the proceedings of the 3rd respondent dated 15.09.2020.

4.In this background, if the petitioners are granted liberty to make a fresh representation to the 1st respondent, ventilating their grievances, with a consequential direction to the 1st respondent to consider the same within a stipulated time, the ends of justice could be secured.

5.Accordingly, the petitioners are granted liberty to make a representation to the 1st respondent, for the relief, they seek for in the present writ petition, on receipt of such representation from the petitioners, the 1st respondent shall consider the same, in the light of the recommendations of the 3rd respondent dated 15.09.2020, on its own merits and pass appropriate orders, in accordance with law, within a period of twelve weeks therefrom.

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

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dsk

To

1.The State of Tamil Nadu,
represented by its Secretary to Government,
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2.The Commissioner,
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3.The Commissioner,
Madurai City Municipal Corporation,
Arignar Anna Maaligai,
Madurai - 625 002.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-5068[F] dated 15/02/2021)

+1 CC to M/s.SPL GP (SR-5386[F] dated 16/02/2021)

W.P.(MD) No.2528 of 2021
15.02.2021

MJ(CO)
KK(25.02.2021) 3P 6C

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