



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.10422 of 2021

G.Manikanda Prabu

... Petitioner

Vs.

- 1.The Government of Tamilnadu,
Through its Secretary,
Municipal Administration and Water Supply Department,
Secretariat,
Fort St. George,
Chennai-9.
 - 2.The Director of Town Panchayats,
O/o.The Director of Town Panchayats,
Kuralagam, Chennai.
 - 3.The District Collector,
Virudhunagar District,
Virudhunagar.
 - 4.The Assistant Director of Town Panchayats,
O/o.The Assistant Director of Town Panchayats,
Madurai Division,
Madurai District.
 - 5.Chettiyarpatti Town Panchayat
Rep. by the Executive Officer,
Chettiyarpatti,
Rajapalayam Taluk,
Virudhunagar District.
- ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents Nos.1 & 2 to promote the petitioner in the post of Sanitary Supervisor in the light of G.O.(Ms) No.205, Rural Development Department, dated 23.03.1989 within the time frame stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For R1 to R4	: Mr.K.S.Selvaganesan Government Advocate
For R5	: Mr.Lingadurai



ORDER

The present writ petition is filed for a direction to direct the respondents 1 & 2 to promote the petitioner in the post of Sanitary Supervisor in the light of G.O.(Ms) No.205, Rural Development Department, dated 23.03.1989, within the time frame stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 4 and the learned counsel appearing for the fifth respondent and perused the materials available on record.

3. According to the petitioner, he was appointed as Sweeper in the Chettiyarpatti Town Panchayat on compassionate ground on 26.02.2007. The fifth respondent, the then Executive Officer, in his proceedings in Na.Ka.No.135/2014, dated 11.02.2014, has issued the seniority list of the Sanitary Supervisors in Chettiyarpatti Town Panchayat and in the said list, the name of the petitioner has been placed at Sl.No.20 and among the sanitary workers, his name was at Sl.No.7 and thereafter, the seniority panel for the year 2020 was drawn and his name is found in serial No.2 next to one K.Jeyakumar. The said Jeyakumar through his representation, dated 16.01.2021, had relinquished his promotion and therefore, in the line of seniority, petitioner is the qualified person to be promoted for the post of Sanitary Supervisor. In these circumstances, one S.Rajendran, who was working as Sanitary Supervisor had voluntarily retired from service and the said post fell vacant from 01.05.2020. Though the petitioner is the Senior most and qualified person to be promoted for the post of Sanitary Supervisor, he was not considered by the respondents. Hence, he made several representations. Since, the respondents have not passed any orders on the representations, the petitioner has come out with the present writ petition.

4. Though various averments have been made in the writ petition, after elaborate arguments, the learned counsel appearing for the petitioner submitted that petitioner will be satisfied if a direction is issued to the second respondent to consider the representations of the petitioner, dated 16.01.2021, 18.01.2021, 08.02.2021 and 27.04.2021 respectively.

5. The learned Government Advocate appearing for the respondents 1 to 4 submitted that the representation of the petitioner has already been considered. Due to election, no order was passed on the representation and the same would be considered and appropriate orders would be passed within the stipulated time fixed by this Court.

6. Considering the submission of the learned counsel for the petitioner and the learned Government Advocate appearing for the



respondents 1 to 4, without deciding the issue on merits in the writ petition, this Court directs the second respondent to consider the representations of the petitioner, dated 16.01.2021, 18.01.2021, 08.02.2021 and 27.04.2021 respectively and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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To

1. The Secretary,
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George, Chennai-9.
2. The Director of Town Panchayats,
Kuralagam, Chennai.
3. The District Collector,
Virudhunagar District,
Virudhunagar.
4. The Assistant Director of Town Panchayats,
Madurai Division,
Madurai District.

+1 CC to M/s.T.LAJAPATHYROY, Advocate SR-19829[F] dated 22/06/2021
+1 CC to M/s.SPL GP (SR-20025[F] dated 23/06/2021)

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TP (CO)
TR(30.06.2021) 3P 7C