



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.12.2021**

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P. (MD)No.17386 of 2018

WEB COPY

Gnanasakthivel

...Petitioner

/Vs./

The Commissioner,
Trichirappalli City Corporation,
Trichirappalli.

...Respondent

PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to issue order of an appointment of promotion as Technical Assistant pursuant to the representation dated 13.06.2018 of the petitioner herein in the light of the order passed in W.P.Nos.4662, 5174 & 5175 of 2001 and W.P.No.2866 of 2009 dated 04.07.2014 on the file of this Court on par with the petitioners thereon.

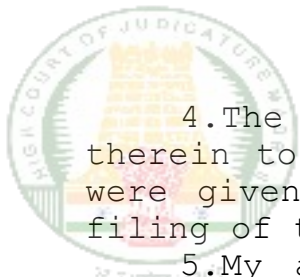
For Petitioner : Mr.V.Illanchezian
For Respondent : Mr.R.Rameez Ajmal Khan
for Mr.S.Saji Bino
Standing Counsel

ORDER

The petitioner seeks a mandamus directing the respondent ie., the Commissioner, Trichirappalli City Corporation, to issue an order of promotion to the post of Technical Assistant as per para 3 of his affidavit. The petitioner also claims to have been completed his diploma in Civil Engineering in April, 2000.

2.However, the fact remains that the petitioner was infact appointed on 18.05.1994 as temporary Technical Assistant on Non Muster Roll in the Trichirappalli City Corporation. He seeks relaxation and promotion to the post of Technical Assistant and states that his case is on par with the case of the five other similarly placed employees.

3.The aforesaid five employees had approached this Court in W.P.(MD)No.4662 of 2001 and batch and by order dated 04.07.2014, a learned single Judge of this Court had allowed the writ petitions. At para 6 of the aforesaid order, learned Single Judge recorded the submission of the counsel appearing for Trichy Municipal Corporation to the effect that there were 12 vacancies at that point in time and five petitioners in those writ petitions would be accorded top priority, while filling up the posts, as they possessed requisite qualification and had also have gained experience as NMRs, who had been regularized in the year 2007 itself.



4.The Court also recorded the submission of the petitioners therein to the effect that they would not claim backwages, if they were given the benefit of continuity of service from the date of filing of those writ petitions.

5.My attention is also drawn to Annexure III to proceedings dated 05.05.2006, which specifically refers to the absorption of NMRs in entry level posts and their regularization. The petitioner is arrayed as serial No.4 and the succeeding five individuals are the petitioners in W.P.(MD)No.4662 of 2021 and batch in the order dated 04.07.2014.

6.*Prima facie* it appears that the petitioner is on par with those petitioners and also holds requisite qualification, as contended in this writ petition. The only question that would arise is as to the vacancy position as on date.

7.Since the consideration of the petitioner's request would depend on various factual indices, it would appropriate that the respondents be directed to consider and dispose his representation dated 13.06.2018, in accordance with law and after hearing the petitioner within a period of six weeks from today. Mandamus is issued as aforesaid and this Writ Petition is disposed. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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

The Commissioner,
Trichirappalli City Corporation,
Trichirappalli.

+1 CC to M/s.V.ILLANCHEZIAN, Advocate(SR-38763[F] dated 15/12/2021)

W.P.(MD)No.17386 of 2018
13.12.2021

MGJ(05.01.2022) 2P 3C