



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.22204 of 2021

S.Chandrasekar

... Petitioner

Vs.

1.The Commissioner of Town Panchayats,
7th & 8th Floor, Urban Administrative Building,
75, Santhome High Road,
R.A.Puram, Chennai-600 028.

2.The Assistant Director of Town Panchayat,
Kanyakumari,
Kanyakumari District.

3.The District Collector,
Kanyakumari,
KanyaKumari District.

4.The Executive Officer,
Marunkur Town Panchayat,
Marunkur,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to grant promotion to the petitioner in terms of G.O.Ms.No.150, MAWS Department dated 19.08.1998.

For Petitioner : Mr.R.Murali

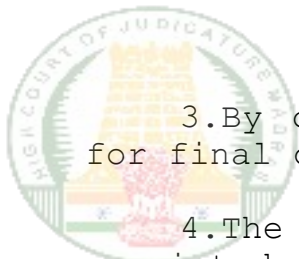
For Respondents : Mr.J.Ashok, AGP for RR1 to 3

Mr.S.R.A.Ramachandran, AGP for R4

ORDER

Heard Mr.R.Murali, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.S.R.A.Ramachandran, learned Additional Government Pleader appearing for the fourth respondent.

2.This Writ Petition has been filed seeking for issuance of a Mandamus, to direct the respondents 1 to 3 to grant promotion to the petitioner in terms of G.O.Ms.No.150, MAWS Department dated 19.08.1998.



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

4.The case of the petitioner is that he was originally appointed as Water Supply Attender at Dharmapuram Town Panchayat in the year 1991. By orders of the Government, in the year 1999, 11 Town Panchayats in Kanyakumar District are downgraded as Village Panchayats which includes Dharmapuram Town Panchayat. The petitioner made a request to continue in the Town Panchayat Service and the Government has also vide G.O.Ms.No.158, Municipal Administration & Water Supply Department dated 29.10.2015 absorbed 29 persons including the petitioner herein in the services of Town Panchayat on notional basis with effect from 23.06.2006.

5. The learned counsel further submits that G.O.Ms.No.150, Municipal Administration & Water Supply Department dated 19.08.1998 provides for promotion to Group-D employees to the post of Bill Collectors/Junior Assistants in the Town Panchayat service and according to the petitioner, he is also eligible for promotion as per the said Government Order. It is further submitted that similarly placed persons have already been promoted and therefore, he made a representation dated 24.09.2021 by referring to G.O.Ms.No.150, Municipal Administration & Water Supply Department dated 19.08.1998 to the respondents, requesting to consider his claim for promotion to the post of Bill Collector. Since no action is forthcoming despite his representation, the petitioner has come forward with the present Writ Petition.

6.The petitioner has made a representation on 24.09.2021 based on G.O.Ms.No.150, Municipal Administration & Water Supply Department dated 19.08.1998 claiming promotion to the post of Bill Collector and submits that similarly placed persons, have already been promoted. Since the representation made by the petitioner is still pending, this Court, without expressing any opinion on merits, directs the first respondent to consider the petitioner's representation dated 24.09.2021 and take a decision in accordance with law and on merits and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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.

WEB COPY

To:

- 1.The Commissioner of Town Panchayats,
7th & 8th Floor, Urban Administrative Building,
75, Santhome High Road,
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Chennai-600 028.
- 2.The Assistant Director of Town Panchayat,
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KanyaKumari District.
- 4.The Executive Officer,
Marunkur Town Panchayat,
Marunkur,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-39061[F] dated 16/12/2021)

W.P (MD) No.22204 of 2021
15.12.2021

NSN (CO)
GC(10.01.2022) 3P 6C