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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. NO.12378 OF 2010
AND M.P. NOS.1 AND 2 OF 2010
AND M.P. NO.1 OF 2014

M.Moorthy

...Petitioner

Vs.

1.The Commissioner,
Salem Corporation,
Salem.

2.The Secretary to Government,
Municipal Administration Department,
State of Tamil Nadu,
Secretariat,
Chennai-600 009.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the 1st respondent in Na.Ka.No.C4/667/2000 dated 10.02.2010 along with the order No.C4/667/2000 dated 25.02.2010, issued by the 1st respondent and quash the same as being illegal, arbitrary, unfair and unconstitutional and consequentially direct the 1st respondent to consider the petitioner's case for continuation in the promoted post of Sanitary Supervisor with all attendant benefits, including the promoted post of Sanitary Supervisor with all attendant benefits, including seniority and monetary benefits, award costs.

For Petitioner : M/s.C.K.Chandrasekhar

For Respondent 1 : Mr.S.Sathish
Standing Counsel for Salem Corpn.

For Respondent 2 : Mr.U.M.Ravichandran
Special Government Pleader



ORDER

The writ petition is filed by the petitioner seeking for a writ of certiorarified mandamus calling for the records of the 1st respondent relating to the orders in Na.Ka.No.C4/887/2000 dated 10.02.2010 and order No.C4/667/2000 dated 25.02.2010, and quash the same and consequently direct the 1st respondent to consider the petitioner's case for continuation in the promoted post of Sanitary Supervisor with all attendant benefits including seniority and monetary benefits.

2. The petitioner was appointed as a Cleaner in Salem Corporation/1st respondent and thereafter the 1st respondent vide an order dated 07.08.1998 informed that the petitioner was promoted as Sanitary Supervisor and directed the petitioner to complete S.S.L.C within three years inasmuch as the petitioner was not possessing S.S.L.C certificate at that point in time. On 24.11.1999, the 1st respondent issued an order reverting the petitioner from the post of Sanitary Supervisor to Cleaner. Aggrieved over the said order the petitioner filed a W.P. No.20659 of 1999, wherein this Court disposed the writ petition with a direction to the petitioner to submit his representation to the 1st respondent and directed the 1st respondent to consider the case on merits and dispose the same. Importantly, the petitioner vide letter dated 15.09.2009 brought to the knowledge of the 1st respondent/Corporation that eligibility of 10th standard/S.S.L.C stands complied with and another representation dated 10.12.2009 was submitted by the petitioner, seeking regularisation of service, as he had fulfilled the eligibility criteria and acquired the necessary experience for the post of Sanitary Supervisor. Thereafter on 10.02.2010, the 1st respondent had erroneously passed an order stating that no representation has been made by the petitioner pursuant to the orders passed by this Court in W.P.No.20659 of 1999 dated 27.11.2009.

3. It is submitted by Mr.S.Sathish, learned Standing Counsel for Salem Corporation/1st respondent that there is some difficulty in tracing the representation submitted by the petitioner. It is however admitted by the learned counsel for the respondent that the documents furnished by the respondent contains the seal of the 1st respondent indicative of receipt of the same by the respondent. In view of the same, the 1st respondent submits that the above representation would be considered and decided in accordance with law after providing the petitioner a reasonable opportunity. The petitioner shall in any view furnish a copy of the representation to the 1st respondent. This Court directs the 1st respondent to complete the above exercise within a period of 6 weeks from the date of issue of a copy of this order.



4. With the above direction, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

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To

1.The Commissioner,
Salem Corporation, Salem.

2.The Secretary to Government,
Municipal Administration Department,
State of Tamil Nadu, Secretariat,
Chennai-600 009.

+1cc to Mr.C.K.Chandrasekar, Advocate Sr.No.11300

+1cc to the Government Pleader Sr.No.11978

W.P.No.12378 of 2010
and
M.P.Nos.1, 2 of 2010
and M.P. No.1 of 2014

MG (CO)
RVM(25/02/2022)