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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2022

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.17861 of 2012
and M.P.No.3 of 2012

T. Vengadassalabady

...Petitioner

Vs.

1. The Secretary,
Local Administration Department,
Government of Puducherry,
Puducherry.

2. The Director,
Local Administration Department,
Government of Puducherry,
Puducherry.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to constitute common service for all the engineers in the 5 municipalities as well as in the 10 commune panchayats existing in the Union Territory of Pondicherry to rationalize the existing organizational structure with a view to give equal opportunity to the petitioner and consequently direct the 2nd respondent to promote the petitioner as a Assistant Engineer in any of the vacancies existing in any municipality/commune Panchayat before they promote any other Junior Engineers who is junior to the petitioner in the 1999 merit list in the said vacancies along with consequential benefits.

For Petitioner:Mrs.Nalini Chidambaram
Senior Counsel
for M/s.C.Uma

For Respondents:Mr.V.P.Chamuraj
for Ms.V.Usha
Additional Government Pleader (Pondy)



ORDER

This Writ Petition is filed to issue a Writ of Mandamus to direct the 1st respondent to constitute common service for all the engineers in the 5 municipalities as well as in the 10 commune panchayats existing in the Union Territory of Pondicherry to rationalize the existing organizational structure with a view to give equal opportunity to the petitioner and consequently direct the 2nd respondent to promote the petitioner as a Assistant Engineer in any of the vacancies existing in any municipality/commune Panchayat before they promote any other Junior Engineers who is junior to the petitioner in the 1999 merit list in the said vacancies along with consequential benefits.

2. It is submitted by Mrs.Nalini Chidambaram, learned Senior Counsel that subsequent to the filing of the writ petition vide G.O.Ms.No.20/LAS/2017, Local Administration Secretariat, Government of Puducherry dated 25.09.2017, Rule is amended whereby Combined Common Engineering Service for Municipalities and Commune Panchayats was provided for Engineers under Rule-3 of the Puducherry Combined Common Engineering Service for Municipalities and Commune Panchayats (Conditions of Service) Rules, 2017. In view of the subsequent development, it is submitted by the learned Senior Counsel that what is left is implementation of the above Rule. It is further submitted that since a number of juniors have been promoted, it may also be necessary to examine the seniority of the petitioner and assign the correct rank of seniority to the petitioner in terms of Rule-3 of the Puducherry Combined Common Engineering Service for Municipalities and Commune Panchayats (Conditions of Service) Rules, 2017.

3. It is submitted by the learned counsel for the respondents that the above Rules have been implemented, and the same shall be done in the case of the petitioner as well.

4. In the light of the above submissions made by the learned counsel for the petitioner and the respondents this Court directs that the promotion shall be made in terms of Rule 3 of the Puducherry Combined Common Engineering Service for Municipalities and Commune Panchayats (Conditions of Service) Rules, 2017 and the petitioner's seniority has to be decided on the basis of the Combined Common Engineering Service for Municipalities and Commune Panchayats list prepared in terms of Rule 3 of the Puducherry Combined Common Engineering Service for



Municipalities and Commune Panchayats (Conditions of Service) Rules, 2017 and notional promotion will have to be made on the basis of the above Rule with effect from 26.09.2017, if the petitioner is eligible otherwise.

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5. The Writ Petition is disposed with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

gv

To:

1. The Secretary,
Local Administration Department,
Government of Puducherry,
Puducherry.

2. The Director,
Local Administration Department,
Government of Puducherry,
Puducherry.

+1 cc to Mrs.C.Uma Advocate sr27893

+1 cc to the Government Pleader (Puducherry) sr28085

W.P. No.17861 of 2012
and
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