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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.10642 of 2022

K.Kirubahar

... Petitioner

vs.

1. The Director of Municipal
Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

2. The Commissioner,
Erode Corporation,
Erode - 638 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 2nd respondent to promote the petitioner as Junior Engineer from Technical Assistant based on the petitioner's representation dated 29.06.2021 and 12.04.2022 within a reasonable time fixed by this Court.

For Petitioner : Mr.P.Rajavel

For R1 : Mrs.S.Anitha
Special Government Pleader

For R2 : Mr.M.Rajamathivanan
Standing Counsel

O R D E R

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The case of the petitioner in brief:

The petitioner was initially appointed as NMR Electrician Grade-II in the 2nd respondent Corporation and subsequently, he was made permanent in the post of Electrician Grade-II. After the 2nd respondent/Municipality was upgraded as Municipal Corporation by Ordinance No.7 of 2007 with effect from



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01.01.2008, the State Government issued G.O.(Ms).No.206, Municipal Administration and Water Supply Department, Chennai, dated 22.10.2008 for staff pattern, promotion, creation of additional post etc. Based on the Service Rules issued in G.O.Ms.No.237, Municipal Administration and Water Supply Department, Chennai dated 26.09.1996, the 2nd respondent has grouped the post of Electrician Grade-II as Skilled Assistant Grade-II from 01.09.2009 and thereafter regrouped in the post of Technical Assistant from 16.09.2009. Accordingly, the petitioner was working as Technical Assistant from 16.09.2010 till date. The petitioner had completed Diploma in Mechanical Engineering in the year 1992 in regular courses. Therefore, the petitioner has been qualified to be considered for the post of Junior Engineer and hence, he made a representation to the 2nd respondent on 29.06.2021 for promotion to the post of Junior Engineer. But, the same has not been considered till date. Hence, the petitioner filed this instant writ petition before this Court.

3. The learned Additional Government Pleader would submit that if the representation of the petitioner was received by the respondents, the same will be considered on merits and in accordance with law.

4. Inview of the aforesaid submissions and also considering the limited scope of prayer, without expressing any opinion on merits, this Court is inclined to direct the 2nd respondent to consider the representation of the petitioner dated 08.04.2022, and pass orders on its own merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

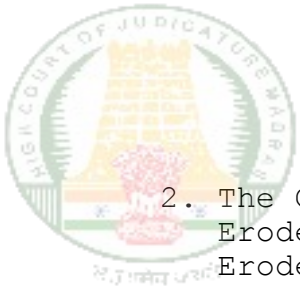
Assistant Registrar(CS VII)

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Sub Assistant Registrar

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To

1. The Director of Municipal Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.



2. The Commissioner,
Erode Corporation,
Erode - 638 001.

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+1cc to Mr.P.Rajavel, Advocate, S.R.No.29359
+1cc to the Government Pleader, S.R.No.30700

W.P.No.10642 of 2022

SS[co]
NSK/27/05/2022