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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.32218 of 2016

and

W.M.P.No.27935 of 2016

1. D.Rajkumar
2. S.Govindaraj
3. G.Soundirarajan
4. N.R.Jayaseelan
5. S.Palanisamy
6. T.Sampathkumar
7. M.Viswanathan
8. P.Elangovan
9. P.Anand
10. M.Shanmugam
11. K.Jawahar
12. C.Gopal
13. K.Govindan
14. C.Panneerselvam
15. V.Subash Chandra Bose
16. R.Sakthivel
17. R.S.Senthilkumar
18. P.Viswanathan

..Petitioners

Versus

1. The State of Tamilnadu
Rep.by its Principal Secretary,
Municipal Administration and Water Supply Department,
Secretariat, Fort St.George, Chennai - 600 009.
2. The Director of Town Panchayats,
Kuralagam, Chennai - 600 108.
3. The Assistant Director of Town Panchayats,
Erode Zone, Erode District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of MANDAMUS, or any other writ or order or direction forbearing the respondents from promoting the appointees/beneficiaries as per G.O.Ms.No.125, dated 27.05.1999, Municipal Administration and Water Supply Department alone to the post of Typist, Junior Assistant, Bill Collector etc and consequently direct the



respondents to promote the petitioners to the post of Typists, Junior Assistants and Bill Collectors etc.

For Petitioners : Mr.L.Chandrakumar

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For Respondents : Mr.C.Selvaraj
Additional Government Pleader

O R D E R

Apprehending that the employees referred to in G.O.Ms.No.125, dated 27.05.1999, Municipal Administration and Water Supply Department, could be given service and monetary benefits over and above the petitioners, who claimed to be their seniors, the present writ petition has been filed.

2.In normal circumstances, this Court may not entertain the writ petition, wherein, persons who are likely to be affected are not impleaded as party-respondents. However, today, when the matter was taken up for final disposal, it is brought to the notice of this Court by the respondents that in the counter affidavit dated 07.12.2016, it is stated that the beneficiaries under the G.O.Ms.No.125 dated 27.05.1999, Municipal Administration and Water Supply Department, will not be granted any service and monetary benefits, over and above their seniors, who are the petitioners herein and the relevant portion of the counter affidavit reads as follows:

"15.It is submitted that the allegations in para 5 of the affidavit are denied as false. No junior is attempting to march over the seniors. The respondents 1 & 2 have not promoted any personnel, who had benefited by G.O.Ms.No.125, dated 27.05.1999, to any existing vacancy of any promotional posts. The respondents 1 & 2 had merely instructed their subordinates for verification of genuineness of the educational qualification certificates and the date of birth of the beneficiaries of G.O.Ms.No.125, dated 27.05.1999. Such act of verification cannot create any doubt in the mind of any prudent man, unlike the petitioners, and there is no intention behind such action. No representation dated 07.09.2016 is pending consideration. The petitioners have not given any particulars as to their alleged eligibility and their qualification. The respondents have not turned their ears deaf. Since the petitioners have never made any prior representation, they do not have any prerogative right under Article 226 of the Constitution of



India, 1950, to approach this Hon'ble Court."

While that being so, the apprehension of the petitioners seems to have been addressed and as such they may not have any grievance.

3. Recording the above submissions made by the learned Additional Government Pleader for respondents, the writ petition stands closed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary
Municipal Administration and Water Supply Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director of Town Panchayats,
Kuralagam, Chennai - 600 108.
3. The Assistant Director of Town Panchayats,
Erode Zone, Erode District.

+1cc to Mr.L.Chandrakumar, Advocate, S.R.No.2944

+1cc to the Government Pleader, S.R.No.3426

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and
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PMK(CO)
RGA(08/02/2022)