



Order dated 12.10.2022
in W.P.No.25620 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.10.2022

Coram:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.25620 of 2021

1. K.Arulmurugan
2. S.Muruganandam
3. K.A.Siddhan
4. P.Kanagaraj
5. P.Mohanraj
6. K.Sridharan
7. S.Thangavelu
8. S.Ponna

.. Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Municipal Administration & Water Supply Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Director of Town Panchayats,
Urban Administration Buildings,
Rajah Annamalaipuram,
Chennai-600 028.
3. The District Collector,
Salem District, Salem.



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4. The Assistant Director of Town Panchayats,
Collectorate Campus,
Salem District, Salem.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to prepare year-wise panel based on existing vacancies every year to be filled up within 20% of vacancies earmarked for non-provincialised staff in Town Panchayat services in Salem District for promotion to the post of Junior Assistant/Bill Collector in compliance with G.O.Ms.No.150, dated 19.08.1998 and to include the name of the petitioners in the relevant panel year based on their seniority and eligibility with consequential promotion on notional basis, with all consequential and other attendant benefits including arrears of salary, by considering the representation submitted by the petitioners, within a time frame to be fixed by this Court.

For petitioners : Mr.G.Sankaran

For respondents : Mr.M.Shajahan, Spl.G.P. for RR-1, 2 and 4

Mrs.Geetha Thamarai Selvan, Spl.G.P. for R-3



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ORDER

The petitioners have filed the present Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to prepare year-wise panel based on the existing vacancies every year to be filled up within 20% of vacancies earmarked for non-provincialised staff in Town Panchayat services in Salem District for promotion to the post of Junior Assistant/Bill Collector in compliance with G.O.Ms.No.150, Municipal Administration and Water Supply Department, dated 19.08.1998 and to include the name of the petitioners in the relevant panel year based on their seniority and eligibility with consequential promotion on notional basis, with all consequential and other attendant benefits including arrears of salary, by considering the representation submitted by the petitioners, within a time frame to be fixed by this Court.

2. According to the petitioners, they have been denied promotion in



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accordance with their seniority and eligibility on preparation of year-wise panel as directed in the said G.O.Ms.No.150 and instead, they have been given promotion after more than 23 to 25 years, only on 09.10.2019. In such circumstances, they have given various representations to the respondents seeking redressal of their grievances as stated supra, and since their representations have not been considered, the petitioners have filed the present Writ Petition for the relief stated supra.

3. Heard both sides and perused the materials available on record.

4. No prejudice would be caused to the respondents, if the petitioners are allowed to give a fresh representation to redress their grievances stated above.

5. Learned counsel for the petitioners relied on the following decisions:

(i) Order of this Court, dated 30.08.2013 passed in W.P.No.19439 of 2008 (S.D.Madasamy Vs. The Secretary to Government).

(ii) Judgment rendered in Writ Appeal No.134 of 2015, dated



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06.09.2018, challenging the above order passed in W.P.No.19439 of 2008.

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(iii) The above judgment in W.A.No.134 of 2015 was challenged in S.L.P.(Civil) Diary No.39075 of 2019, dated 17.02.2020, which was dismissed as withdrawn before the Supreme Court with direction.

6. It is for the respondents to consider the representation of the petitioners on merits and in accordance with law, and decide as to whether the same is applicable to the petitioners also, while considering the petitioners' representation, which will have to be given afresh.

7. This Court directs the respective petitioners to submit fresh individual representation to the respondents requesting them to prepare year-wise panel for promotion to the post of Junior Assistant/Bill Collector on the existing vacancies every year to be filled up within 20% vacancies earmarked for non-provincialised staff in Town Panchayt services in Salem District, in compliance with G.O.(Ms).No.150 stated supra and to include the name of the respective petitioners in the relevant panel years based on their seniority and eligibility, with consequential promotion on notional basis, with all other



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attendant benefits including the arrears of salary, within a period of two weeks from the date of receipt of a copy of this order.

8. On receipt of such representations, the third respondent shall pass final orders on merits and in accordance with law, after giving due consideration of the said G.O.(Ms).No.150 as well as the decisions referred to supra, within a period of 12 weeks from the date of receipt of such fresh representations.

9. With the above observations and directions, the Writ Petition is disposed of. There shall be no order as to costs.

12.10.2022

(1/2)

Speaking Order :Yes/no

CS



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To

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ABDUL QUDDHOSE, J

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