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W.P.(MD)No.14860 of 2012

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.14860 of 2012

and

M.P. (MD) .No.3 of 2012

1.K.Babu,

2.S.Ramzan Sulaimanatchi

... Petitioners

vs

1.The Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi.

2.A.Ramachandran

3.G.Gandhimathi

4.A.Nagarajan

5.E.Arumugam

6.M.Saravanan

7.V.Prince Rajendran Vijayakumar

8.The Government of Tamil Nadu,
Through its Secretary,
Municipal Administration and Water Supplies,
Fort Saint George,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order in Na.Ka.No.E2/13135/2012 dated 31.10.2012 on the file of the first respondent and consequent proceeding of the first respondent in E2/13135/2012, dated 14.09.2012 and quash the same and further directing the first respondent to publish the combined seniority list of all the Junior Engineers/Assistant Engineers of Thoothukudi Municipal Corporation.

For Petitioner : Mr.G.Prabhu Rajadurai

For R-1 : Mr.S.Saji Bino



For R-2 to R-5 : No Appearance
For R-6 and R-7 : Mr.P.Pethu Rajesh
For R-8 : Mrs.D.Farjana Ghoushia,
Special Government Pleader.

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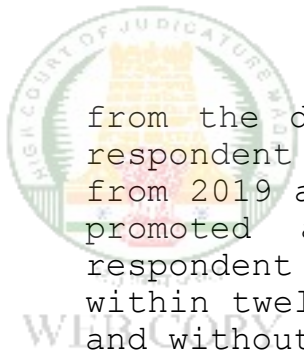
O R D E R

The petitioner has filed this writ petition to quash the impugned order, dated 31.10.2012 and consequential proceedings of the first respondent, dated 14.09.2012 and directing the first respondent to publish the combined seniority list of all the Junior Engineers/Assistant Engineers of Thoothukudi Municipal Corporation.

2. The petitioners joined together and have filed this writ petition. The 1st petitioner had joined then the Tuticorin Municipality as Electrical Superintendent on 06.06.2006 and is having Diploma in Engineering. The 2nd petitioner joined the then the Tuticorin Municipality as Electrical Superintendent on 14.02.2004 and has obtained Degree in Engineering while in service. The respondents 2 to 5 had joined the Municipal service as Town Planning Inspectors and the respondent 2 and 3 are Degree holder in Engineering and the respondents 4 and 5 are Diploma holders in Engineering. The first respondent Municipality became Corporation in the year 2008 and in view of the same the employees are brought under Special Rules applicable to the Corporation in Tamil Nadu brought under G.O. Ms. No. 237 dated 26.07.1996. Prior to 2008 the employees were governed under the service rules applicable to District Municipalities and the Electrical Superintendent were placed in the same scale with Junior Engineers and could be promoted to the posts of Assistant Executive Engineers.

3. The first respondent has submitted that the Thoothukudi Municipality was merged and it was re-designated as Municipal Corporation in the year 2008. The Thoothukudi Municipality was having Engineering Department and in the Engineering Department, there were two wings, namely, Engineering wing and Town Planning wing. After the Municipality converted into Corporation, there are some issues in placing the employees in the appropriate position. During the same time, Tirunelveli and Erode Municipals were also re-designated as Corporation and there is a proposal submitted by the first respondent on 21.12.2019 to re-designate the petitioners as Electrical Superintendent and their claim will be considered once the eighth respondent approves the proposal. The proposal was submitted before the Government on 21.12.2019 and the proposal is under consideration.

4. Therefore, this Court deems it fit to direct the eighth respondent to consider the proposal within a period of eight weeks



from the date of receipt of a copy of this order. But the first respondent prayed to grant more time. Since the proposal is pending from 2019 and the petitioners are on the fond hope that they will be promoted as Assistant Executive Engineer. Hence, the eighth respondent is directed to consider the proposal and pass an order within twelve weeks from the date of receipt of a copy of this order and without seeking further extension.

5. With the above direction, the Writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi.

2.The Government of Tamil Nadu,
Through its Secretary,
Municipal Administration and Water Supplies,
Fort Saint George,
Chennai.

+1 CC to M/s.B.SAJI BINO, Advocate (SR-5591[F] dated 11/02/2022)

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-5556[F] dated 11/02/2022)

W.P. (MD)No.14860 of 2012

10.02.2022

RK(08/04/2022) 3P 5C