



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.01.2022**

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.9143 of 2021 and
WMP(MD) Nos.6865, 6893 & 16368 of 2021

M.Saravanan

...Petitioner

vs.

1.The Secretary to Government,
Municipal Administration and
Water and Sewage Supply,
St.George, Chennai.

2.The Commissioner,
Municipal Administration,
Cheupak,
Chennai.

3.The Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling the impugned records in G.O.Ms.No.9, Municipal Administration and Water Supply Department, dated 18.01.2021 and to set aside the portion, giving effect of appointment as Assistant Executive Engineer post from 12.10.2020, and consequently directing the respondents to give effect the order of appointment as Assistant Executive Engineer post from 05.04.2013.

For Petitioner

: Mr.G.Karnan

For Respondents

: Mr.S.Saji Bino
Special Government Pleader



O R D E R

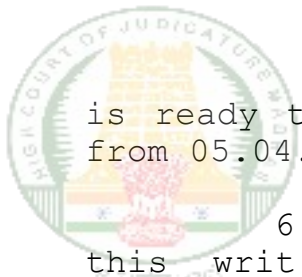
This writ petition is filed as against the Government order passed by the first respondent in G.O.Ms.No.9, Municipal Administration and Water Supply Department, dated 18.01.2021 and for a consequential direction to give effect of the petitioner's appointment as Assistant Executive Engineer, with effect from 05.04.2013.

2.The learned counsel appearing for the petitioner submits that when the petitioner was working as Junior Engineer in the respondent Department, one Assistant Executive Engineer post was sanctioned by the Government vide G.O.Ms.No.48, Municipal Administration and Water Supply Department, dated 22.05.2012, pursuant to which, seniority list was also issued by the Tuticorin City Municipal Corporation, as per proceedings in E2/13135/2012, dated 05.04.2013. The petitioner is entitled to be promoted as Assistant Executive Engineer and his name was also added in the promotion panel, which was prepared on 05.04.2013 and he is the senior most person in the panel. However, the same has not been effected. Hence, he made a representation to the respondents to give effect of the Panel with effect from 05.04.2013, by promoting the petitioner from 05.04.2013 and the same was denied by the order impugned in this writ petition. Hence, the petitioner is before this Court with the present writ petition.

3.Mr.Saji Bino, learned Special Government Pleader appearing for the respondents submits that it is true that the petitioner stood in first position in the Seniority panel prepared in the year 2013. However, the same could not be effected, in view of the fact that one Ramachandran, who belongs to Town Planning Wing has challenged the panel, dated 05.04.2013, before this Court in W.P.(MD)No5932 of 2013 and also obtained an order of interim stay on 12.04.2013. In view of the pendency of the writ petition, the panel prepared in the year 2013 was not effected and subsequently, the said Ramachandran has withdrawn the writ petition filed by him, challenging the promotion panel, dated 05.04.2013. Thereafter, the petitioner was promoted as Assistant Executive Engineer. The delay in implementation of the Panel, dated 05.04.2013 is only because of pendency of the writ petition filed by one Ramachandran and it is not done intentionally.

4.Now, the learned counsel appearing for the petitioner submits that the petitioner is not insisting for any monetary benefits and requested only to refix the seniority as Assistant Executive Engineer with effect from 05.04.2013.

5.In reply, the learned Special Government Pleader submits that in such event, if the petitioner is not insisting for any monetary benefits for the period from 2013 to 2020, the respondent



is ready to treat the petitioner as Assistant Executive Engineer from 05.04.2013.

6.In view of the submissions made by either side counsel, this writ petition is disposed of with a direction to the respondents to treat the petitioner as Assistant Executive Engineer with effect from 05.04.2013 for all other benefits, excepting the monetary benefits. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn

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 Secretary to Government,
Municipal Administration and
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St.George,
Chennai.
- 2.The Commissioner,
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Cheupak,
Chennai.
- 3.The Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi.

+1 CC to M/s.SPL.GP (SR-3728[F] dated 02/02/2022)

+2 CC to M/s.S.SAJI BINO, Advocate (SR-3793[F] dated 02/02/2022)

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31.01.2022

MGJ(16.02.2022) 3P 7C

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