



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.14351 of 2019

and

WMP (MD) No.10775 of 2019

S.Vijayaragavan

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Municipal Administration and Water
Supply Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Municipal Administration,
Chepauk,
Chennai - 600 005.

3.The Commissioner,
Dindigul City Municipal Corporation,
Dindigul.

4.G.Balachandran,
Executive Engineer & Commissioner (I/C),
Dindigul City Municipal Corporation,
Dindigul.

5.G.R.Sarangasaravanan,
Superintendent,
Dindigul City Municipal Corporation,
Dindigul.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in his proceedings in Na.Ka.No.1830/2014/C.1, dated 12.06.2019 and quash the same in respect of the 5th respondent herein and consequently direct the 3rd respondent herein to take action against the petitioner's representation dated 02.05.2019 and also to give promotion to the petitioner as Superintendent.



For Petitioner : Mr.K.Hemakarthiskeyan
For R1 : Mr.N.Satheesh
Addl.Govt.Pleader
For R3 : Mr.J.Lawrance
For R5 : Mr.M.Mohamed Rafi
For M/s.Ajmal Associates
For R2 & R4 : No Appearance

O R D E R

The very same petitioner earlier filed a Writ Petition in W.P (MD)No.11316 of 2019, and this Court passed an order on 18.02.2022, directing the respondents therein to grant promotion to the writ petitioner, in accordance with his seniority and by following the rules in force. However, the same writ petitioner viz., Mr.S.Vijayaraghavan filed the present writ petition with a prayer to quash the promotion order of the 5th respondent and further sought for a direction to take action on the representation submitted by the writ petitioner and also grant promotion to the petitioner, as Superintendent.

2. The petitioner is working as an Assistant and the promotion post is Superintendent. The 5th respondent is senior to the petitioner and in the other writ petition, a direction was issued to consider the case of the petitioner for promotion after taking an administrative decision to fill up the post and also considering the names of all other eligible persons for promotion to the post of Superintendent. As far as the 5th respondent is concerned, he is senior to the petitioner and he was already promoted. This being the factum, in view of getting promotion, the petitioner cannot challenge the order of promotion granted to the 5th respondent, as he is junior to the 5th respondent. Thus, the very relief sought for is misconceived and cannot be granted. The case of the petitioner is to be considered strictly in accordance with rules and only if a decision is taken by the administration to fill up the post of Superintendent in accordance with rules.

3. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MPK



To

1.The Secretary to Government,
State of Tamil Nadu,
Municipal Administration and Water
Supply Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Municipal Administration,
Chepauk,
Chennai - 600 005.

3.The Commissioner,
Dindigul City Municipal Corporation,
Dindigul.

+1 CC to M/s.K.HEMAKARTHIKEYAN, Advocate (SR-11416[F]
dated 11/03/2022)

+1 CC to M/s.M.MOHAMED RAFI (AJMAL ASSOCIATES), Advocate
(SR-11060[F] dated 10/03/2022)

+1 CC to M/s.SPL GP (SR-11181[F] dated 10/03/2022)

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SB(CO)
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