



WP(MD)No.14330 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE G.CHANDRASEKHARAN**

W.P.(MD)No.14330 of 2022

S.Maheshwari

... Petitioner

/vs./

1.The Secretary to Government,
Municipal Administration/Water Supply,
and Drainage Board,
St.George Fort, Chennai.

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

3.The Commissioner,
Madurai Corporation,
Madurai – 625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to pass suitable orders on the petitioner appeal dated 28.09.2020 and to fix the petitioner promotion as Administrative Officer (A.O) on the date of her retirement in the general section of the 3rd respondent and to issue the suitable monetary benefits and other retirement benefits virtue of the proceedings of the 2nd respondent dated 26.02.2018 in R.C.No.2404/2016 within the time stipulated by this Court.



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For Petitioner : Mr.K.Sudalaiyandi
For Respondents : Mr.M.Siddharthan (R1 & R2)
Additional Government Pleader
: Mr.S.Vinayak (R3)
Standing Counsel

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to pass suitable orders on the petitioner's appeal dated 28.09.2020 and to fix the petitioner in the promotional post of Administrative Officer (A.O) on the date of her retirement in the general section of the 3rd respondent and to issue the suitable monetary benefits and other retirement benefits, by virtue of the proceedings of the 2nd respondent dated 26.02.2018 in R.C.No.2404/2016.

2.Heard Mr.K.Sudalaiyandi, learned counsel appearing for the petitioner, Mr.M.Siddharthan, learned Additional Government Pleader, who takes notice for the respondents 1 and 2 and Mr.S.Vinayak, learned Standing Counsel, who takes notice for the third respondent.



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3.The learned counsel appearing for the petitioner submitted that the petitioner joined in the post of Office Assistant on 09.08.1984. Thereafter, she was posted as Computer-cum-Clerk from 05.02.1990. It is the case of the petitioner that the petitioner should have been given promotion to the post of Assistant even in the year 2008 itself. Instead, she was promoted as Assistant only in the year 2018. Moreover, the petitioner's promotion has not been recorded in the service records. Her service records reflect that the petitioner was only computer cum clerk. Had the petitioner was promoted as Assistant in the year 2008 itself, she would have got subsequent promotion as Superintendent and then, the Administrative Officer at the time of retirement.

4.In the meanwhile, the respondents published seniority list in the proceedings in Ma.No.2/06834/2018 dated 26.12.2018. In the said seniority list, the petitioner's name was placed in S.No.33, which is not correct. Therefore, the petitioner has filed an appeal before the first respondent to consider the case of the petitioner for promotion and pass appropriate orders including monetary benefits. The appeal is not yet disposed. Therefore, this petition has been filed for disposal of the appeal in the manner known to law.



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5.It is submitted by the learned Additional Government Pleader appearing for the respondents that the first respondent sought information from the third respondent as to the claim of the petitioner and the reminder has been sent on 14.06.2022 to the third respondent for furnishing requisite information. Once the information is received from the third respondent, appropriate orders would be passed on the petitioner's appeal.

6.Considering the above facts and circumstances of this case, this Court directs the respondents to consider the petitioner's appeal dated 28.09.2020 and in the light of the proceedings of the second respondent dated 26.02.2018 in R.C.No.2404/2016 and pass appropriate orders as expeditiously as possible preferably within a period of twelve (12) weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

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Index : Yes / No

Internet : Yes / No

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G.CHANDRASEKHARAN, J.

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Order made in
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