



W.P.(MD).No.11016 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD).No.11016 of 2015

and

M.P.(MD).No.1 of 2015

Ravi

... Petitioner

vs.

1.The Commissioner,
Karur Municipality,
Karur.

2.T.Selvan,
Pipe Line Fitter Grade II,
Karur Municipality,
Karur.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the first respondent made in Na.Ka.No.E4/2762/14, dated 31.03.2015 and quash the same and consequently directing the first respondent to promote the petitioner to the post of Pipe Line Fitter Grade II.



W.P.(MD).No.11016 of 2015

WEB COPY

For Petitioner	: Mr.K.Govindarajan
For R1	: Mr.K.Balasubramani
	Standing counsel
For R2	: No appearance

ORDER

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the first respondent in Na.Ka.No.E4/2762/14, dated 31.03.2015 and to quash the same and consequently direct the first respondent to promote the petitioner to the post of Pipe Line Fitter Grade - II.

2. The learned counsel appearing for the petitioner submitted that the petitioner joined the service of first respondent Municipality as P.F. cleaner on 23.03.2006. His service was regularised on 04.06.2007. The second respondent was also appointed along with him on the same day as Night Watchman for overhead tank. The petitioner completed 10th Standard during March 2011 and he also completed the Diploma in Plumbing Technician during July 2011. The second respondent was



W.P.(MD).No.11016 of 2015

working in a Non-Technical Wing of Municipality. On the other hand, the petitioner was working as a Cleaner in Pipe Line Section, which is associated with Technical Wing. While that being the case, the first respondent, by the impugned proceeding dated 31.03.2013, promoted the second respondent as Pipe Line Fitter Grade – II. He is not qualified to be promoted to the post. The panel was not prepared among qualified persons and promotion was given to the second respondent. Hence, the present writ petition.

3. The learned counsel appearing for the first respondent submitted that though both the petitioner and the second respondent were appointed on the same day, they possessed same qualifications ie., both passed 10th Standard and have Diploma in Plumbing Technician. However, the date of birth of the second respondent is 09.05.1967 and the petitioner is 12.09.1968. Therefore, he has preference over the petitioner, while fixing the seniority. As per the records, the second respondent is senior to the petitioner, because he was born prior to the petitioner. As per the seniority list, he was considered for the promotion and promoted.

4. Considered the rival submissions and perused the records.



W.P.(MD).No.11016 of 2015

WEB COPY

5. From the submissions made by the learned counsel appearing for the parties and the materials produced, it is evident that both the petitioner and the second respondent were appointed on the same day the petitioner as P.F. Cleaner and the second respondent as overhead tank Watchman and both passed 10th Standard and have Diploma in Plumbing Technician. As per the seniority list, the second respondent is the senior, because he was born earlier to the petitioner. Therefore, taking into consideration the seniority position, he was promoted. This Court finds no illegality and irregularity in promoting the second respondent.

6. In this view of the matter, this Court finds that there is no merit in this writ petition and this Writ Petition is dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

20.06.2022

akv



Index: Yes/No
Internet: Yes

WEB COPY



W.P.(MD).No.11016 of 2015

To

The Commissioner,
Karur Municipality,
Karur.



WEB COPY



W.P.(MD).No.11016 of 2015

G.CHANDRASEKHARAN,J.

akv

W.P.(MD).No.11016 of 2015

20.06.2022