



W.P.(MD)No.28183 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.28183 of 2022

K.Dharma Raj

... Petitioner

Vs.

1. The Principal Secretary,
Department of Municipal Administration and Water Supply,
Secretariat,
Chennai - 600 009.

2. The Commissioner of Town Panchayat,
Commissionerate of Town Panchayat,
7th and 8th Floor,
75, Santhome Highway,
Raja Annamalaipuram,
Chennai – 600 028.

3. The Assistant Director of Town Panchayat,
Office of the Assistant Director of Town Panchayat,
Collectorate Campus,
Nagercoil,
Kanyakumari District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the second respondent to grant promotion to the petitioner to the post of Overseer in view of the petitioner's seniority in the Seniority List published by the Director of Town Panchayt vide proceedings in Na.Ka.No.15108/2011/A6 dated 03.03.2016 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This Writ Petition has been filed for a direction to the second respondent to grant promotion to the petitioner to the post of Overseer in view of the petitioner's seniority in the Seniority List published by the Director of Town Panchayt vide proceedings in Na.Ka.No.15108/2011/A6, dated 03.03.2016.

2. The case of the petitioner is that the petitioner was appointed as Technical Assistant on 01.07.1996 on daily wage basis and his services were regularised in the post of Work Inspector on 22.10.2008. As per the Tamil



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Nadu Town Panchayat Service Special Rules, the petitioner possessed Diploma in Civil Engineering under the Janardan Rai Nagar Rajasthan Vidyapeeth University and has five years experience as Work Inspector. Thereafter, as per the proceedings of the Director of Town Panchayat dated 03.03.2016, the petitioner was promoted to the post of Overseer at Sathankulam Section Grade Town Panchayat, Tuticorin District. Under these circumstances, the Director of Town Panchayat issued an order dated 26.11.2016, in which, the petitioner was reverted back to the post of Work Inspector as the Diploma acquired by the petitioner is not equivalent. Aggrieved by the same, the petitioner filed a Writ Petition in W.P.(MD) No.23102 of 2016. This Court, on 05.04.2018, dismissed the Writ Petition stating that the Diploma obtained by the petitioner is not equivalent. Thereafter, the petitioner was working in the reverted post of Work Inspector and subsequently, he passed the Diploma in Civil Engineering in the year 2020 under the State Board of Technical Education and Training, Department of Technical Education, Chennai. Therefore, the petitioner is entitled for promotion as Overseer. Hence, he made a representation to the respondents on 26.11.2022 for granting promotion to the post of Overseer.



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But, till date, no order was passed. Therefore, the petitioner has filed the present Writ Petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the concerned respondent is directed to dispose of the representation of the petitioner, dated 26.11.2022, on merits and in accordance with law, within a specified period.

4. The learned Special Government Pleader appearing for the respondents has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the concerned respondent to consider the petitioner's representation, dated 26.11.2022 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of. No

costs.

15.12.2022

Index : Yes / No

Speaking Order : Yes / No

vji

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