



WEB COPY

W.P.No.27206 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.27206 of 2012

and

M.P.No.1 of 2012

N.Sundararassu

... Petitioner

Vs.

1. The Commissioner,
Oulgaret Municipality,
Puducherry – 605 005.

2. The Director,
Local Administration Department,
Government of Puducherry,
Puducherry – 605 001.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to promote the petitioner to the post of Sanitary Inspector Grade I on and from 10.12.2004 and further direct the respondent to consider the petitioner for further promotion to the post of Controller / Sanitary Officer.



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For Petitioner : Mr.Sunny Sheen
for M/s.V.Srimathi

For Respondents : Mr.G.Djearany,
Government Advocate
(Pondicherry)

ORDER

This Writ Petition has been filed seeking Writ of Mandamus to direct the respondents to promote the petitioner to the post of Sanitary Inspector, Grade I from 10.12.2004 and to further direct the respondents for further promotion to the post of Controller/ Sanitary Officer in accordance with law.

2. In response to the notice issued by this Court, the respondent filed counter affidavit dated 03.11.2023, wherein it is stated that the post of Sanitary Inspector, Grade I fell vacant on 31.07.2017 consequent upon retirement of Thiru M.Athangaraiyan and the petitioner is eligible and entitled for promotion to the post of Sanitary Inspector, Grade I and the case of the petitioner would be processed by observing the due procedure as per the rules in force in a time bound manner. The relevant paragraph from the counter affidavit is extracted hereunder for clarification:



“12. It is further submitted that subsequent to promotion to the post of Sanitary Inspector Grade I on 06.10.2006, Thiru. M.Anthangaraiyan had retired from service on 31.07.2012 and the post is lying vacant. Now the petitioner is eligible and entitled for promotion to the post of Sanitary Inspector Grade I. The process would be done by observing due process as per rules in force in time bound manner. Therefore, the contention of the petition would become infructuous.”

3. In the light of the categorical statement made in the counter affidavit as extracted above, the learned counsel for the petitioner submits that appropriate order may be passed to direct the respondents to complete the process in a time bound manner. The learned counsel for the respondent also expressed his no objection for such course of action.

4. Accordingly, with the consent of both the parties, the Writ Petition is disposed of, directing the respondents to consider and process the case of the petitioner for promotion to the post of Sanitary Inspector Grade I, as well



as for further promotions, if any, for which the petitioner is entitled under law and complete the process as expeditiously as possible at any rate within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs. Miscellaneous Petitions, if any, shall stand closed.

29.11.2023

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Commissioner,
Oulgaret Municipality,
Puducherry – 605 005.
2. The Director,
Local Administration Department,
Government of Puducherry,
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MUMMINENI SUDHEER KUMAR, J.

skr

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