



W.P. No.6399 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2023

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.6399 of 2012

P.Kanagaraj

... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai-3.

2.The Superintending Engineer,
Corporation of Chennai,
Rippon Building, Chennai-3.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus calling for the records in pursuant to the impugned order of rejection issued by the 2nd Respondent in proceeding ED ROC.No.A1/7484/2011 dated 26.12.2011, quash the same and consequently direct the Respondents to promote the petitioner to the post of Lighting Inspector along with his batch mates with effect from 15.02.2012 with all monetary and other consequential service benefits.



W.P. No.6399 of 2012

For Petitioner : Mr.M.Vijayakumar

For Respondents : Mr.G.T.Subramaniam
Standing Counsel
for Chennai Corporation

ORDER

The writ petition is filed challenging the order of rejection issued by the 2nd Respondent in proceeding ED ROC.No.A1/7484/2011 dated 26.12.2011, quash the same and consequently direct the Respondents to promote the petitioner to the post of Lighting Inspector along with his batch mates with effect from 15.02.2012 with all monetary and other consequential service benefits.

2. It is submitted by the learned counsel for the Respondents that the reason for rejection of promotion was that the petitioner joined service as an Electrician (மின்கம்பியாளர்) on 17.06.2010 and he has not completed two years of service in the said post and therefore he is not eligible for promotion as Lighting Inspector.



W.P. No.6399 of 2012

3. To the contrary, it is submitted by the learned counsel for the petitioner that the impugned order is bad inasmuch as Electricians who were appointed along with the petitioner had been granted promotion whereas the petitioner has been left out.

4. In reply, the learned counsel for the Respondents by placing reliance upon paragraph 6 of the counter submitted that the candidates who were promoted were originally working as Wire Man-II and thereafter re-designated as Electrician and that they had complied with the requirement of being in service as Electrician for a period of two years.

5. In any view, it is submitted by the learned counsel for the Respondents that the petitioner may file a representation and the same would be considered and orders passed in accordance with law.



W.P. No.6399 of 2012

6. In view of the above, the impugned order is set aside and it is open to the petitioner to submit a representation within a period of six (6) weeks from the date of receipt of a copy of this order. The Respondents are directed to consider the representation, if any, submitted by the petitioner in accordance with law taking into account the fact that the candidates who are similarly placed were promoted. The above exercise shall be completed by the Respondents within a period of six (6) weeks from the date of receipt of representation, if any, from the petitioner.

7. With the above directions, the writ petition stands disposed of. No costs.

10.02.2023

Speaking (or) Non Speaking Order
Index : Yes/ No
Neutral Citation : Yes/No
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W.P. No.6399 of 2012

WEB COPY

To:

- 1.The Commissioner,
Corporation of Chennai,
Rippon Building, Chennai-3.
- 2.The Superintending Engineer,
Corporation of Chennai,
Rippon Building, Chennai-3.



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W.P. No.6399 of 2012

MOHAMMED SHAFFIQ, J.

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W.P. No.6399 of 2012

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