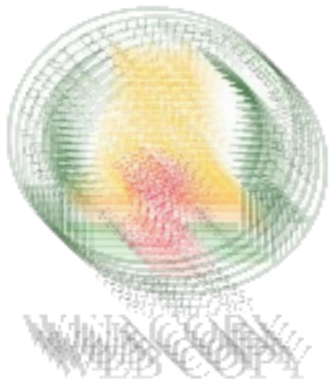




W.P.No.7281 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.7281 of 2013
and M.P.Nos.1 and 2 of 2013

S.Ramasundaramani

... Petitioner

-Vs-

The Commissioner of
Municipal Administration
Chepauk, Chennai-600 005.

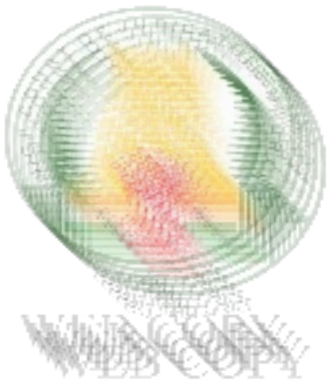
... Respondent

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the respondents proceedings in Na.Ka.No.33140/2012/ K2 dated 31.12.2012 and quash the same and direct the respondent to include the petitioner's name in the panel of Class VII & VII A Officer fit for promotion to the post of Class V Officer for the year 2011-2012 issued in respondents proceeding Roc No.41467/2011/K2 dated 01.03.2013 and promote him as Class V Officer in the Tamil Nadu Municipal General Service.

For Petitioner : Mr.M.Muthappan

For Respondent : Mr.M.P.Murugan Raja
Government Advocate

ORDER

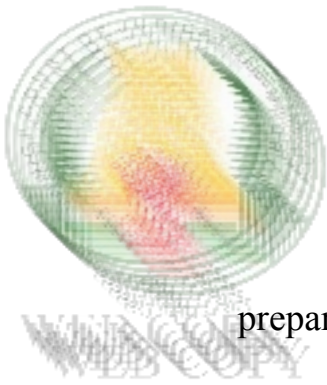


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This Writ Petition has been filed challenging the order of the respondent in Na.Ka.No.33140/2012/K2 dated 31.12.2012, thereby rejected the claim of the petitioner to include his name in the panel for promotion, since he was under punishment during that period.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on record.

3. The petitioner was appointed as a Junior Assistant on 01.12.1995 in the Municipal Service. The unit of seniority for the said post is region wise. He has been working at various places in Tirunelveli region. The next avenue of promotion from the post of Junior Assistant is Assistant. The panel for promotion is drawn at the respondent office after obtaining the service details of the eligible persons in the feeder category from the respective Municipality. While being so, the respondent had issued a communication dated 08.09.2011 and 16.11.2011 to all the Municipalities of the Tirunelveli region along with seniority list, directing the Municipalities to furnish the service details of the persons working in the Municipality in specific formate. It was not

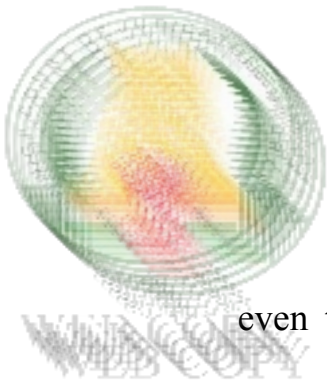


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prepared properly and as such the petitioner made a representation dated 06.08.2012 to rectify the mistakes made in the seniority list.

4. In the said seniority list, the petitioner's position was 26th and he was eligible to be promoted for next higher post as Assistant. While sending service particulars of the petitioner, the Municipality Commissioner of Tenkasi had sent a report that the petitioner is not eligible for promotion, since he had suffered a punishment of stoppage of two increments with cumulative effect by the proceedings dated 20.08.2010. Aggrieved by the same, the petitioner preferred an appeal and the said punishment was modified by reducing the same from two years to one year by an order dated 29.06.2012. The said punishment was effected and completed in the month of September 2011. Therefore, the petitioner is eligible to be promoted and as such he made a representation dated 14.09.2012. However, it was rejected.

5. A perusal of the counter filed by the respondent revealed that



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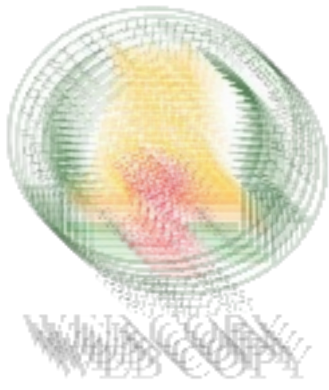
even though the effect of punishment was completed in the month of September 2011, the petitioner's name could not be included in the panel of Class VII and VIIA officers fit for promotion for the post of Class V (Assistant) officers for the year 2011-12, since the crucial date of the panel was March 2011. The punishment was completed for the petitioner only in the month of September 2011. Therefore, on crucial date of the panel namely March 2011, the punishment was in progress. Therefore, the petitioner's name was not included in the panel for the year 2011-12.

6. In view of the above, this Court finds no infirmity or illegality in the order passed by the respondent and this writ petition is devoid of merits and is liable to be dismissed.

7. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

13.07.2023

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
mn



W.P.No.7281 of 2013

G.K.ILANTHIRAIYAN, J.

mn

To

The Commissioner of
Municipal Administration
Chepauk, Chennai-600 005.

W.P.No.7281 of 2013

13.07.2023