



W.P.No.41298 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM :

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.41298 of 2016

E.Murali

.. Petitioner

Versus

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

2. The Assistant Commissioner,
General Administrative Department,
Corporation of Chennai,
Rippon Buildings,
Chennai - 600 003.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus directing the respondents herein to dispose off the petitioner's representation dated 22.08.2016 within a time frame to be stipulated by this Court.

For Petitioner : No Appearance

For Respondents : Mr.S.Gopinathan, for R1



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ORDER

The learned Counsel for the petitioner is not present. There was also no representation on 06.06.2023 and again on 03.07.2023.

2. Heard Mr.S.Gopinathan, learned Counsel for the first respondent.

3. The petitioner was working as Tax Collector under the respondents Corporation of Chennai. He was due for promotion as License Inspector. There was however a pre-condition that he should appear for the Accounts test and should clear it within two attempts. Accepting to such condition, he accepted for promotion. He did not clear the Accounts test within the two attempts. Therefore, the respondents had taken a decision to revert him back to the post of Tax Collector from the promotive post of License Inspector. The petitioner had questioned that particular issue by filing a Writ Petition and though stay was initially granted, the Writ Petition was dismissed. The Writ Appeal is now pending.

4. The petitioner had filed the present Writ Petition seeking a Mandamus directing the respondents to consider the representation, dated



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22.08.2016. In the said representation, dated 22.08.2016, the petitioner had stated that he was promoted to the post of License Inspector and that he had joined the said post in the Fore Noon of 13.09.2006 and that therefore, his pay in the post of License Inspector may be fixed under Fundamental Rules 22(1)(a)(i) with effect from 13.09.2006 and re-fix with effect from 01.10.2006 under Fundamental Rules 22(B) with minimum benefit of 5% after approval of normal date of increment on 01.10.2006 in his substantive post of Assistant. He sought arrears to be paid early.

5. Such a Mandamus can never be issued. There is no obligation on the part of the respondents to examine this particular representation given by the petitioner particularly since the Writ Appeal is still pending. Be that as it may, the learned Counsel for the first respondent had forwarded an order, dated 03.04.2023 in Po.Thu.Se.Mu.No.E5/1972/2023. This order relates to the petitioner himself. By this order, the petitioner had been granted notional promotion from 20.08.2019. As a matter of fact, he had actually been granted the promotive post of License Inspector and further, the notional promotion, as aforementioned, has been granted. The petitioner should be aware of this particular order since it relates to his own service.



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6. In view of this particular order, as rightly pointed out by the learned Counsel for the first respondent, a Mandamus would not lie. The respondents have granted necessary relief to the petitioner also.

7. The Writ Petition therefore stands dismissed. No costs.

18.07.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Commissioner,
Corporation of Chennai,
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Chennai 0 600 003.
2. The Assistant Commissioner,
General Administrative Department,
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C.V.KARTHIKEYAN, J.

grs

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