



WP NO.4702 OF 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2023

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.NO.4702 OF 2016
AND WMP NOS.4090 AND OF 4091 OF 2016

K.Nagarajan

... Petitioner

Vs.

1.The Secretary to Government
Municipal Administration and
Water Supply Department
Secretariat,
Chennai – 600 009.

2.The Director of Municipal Administration
Chepauk,
Chennai – 600 005.

3.The Commissioner
Nagercoil Municipality
Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order of the first respondent issued in Letter



WP NO.4702 OF 2016

No.17086/ME3/15-2, M.A. & W.S. Department, dated 08.10.2015 and quash the same and consequently direct the third respondent to appoint the petitioner as Assistant Engineer in the existing vacancy in Nagercoil City Municipal Corporation, within a reasonable period as may be fixed by this Court and to pass any other appropriate order or direction as this Court may deem fit and proper in the circumstances of the case and thus render justice.

(Prayer amended as per order dated 27.02.2023 in WMP No.12514 of 2019 in WP No.4702 of 2016)

For Petitioner : Mr.T.Ranganathan
For Respondents : Mr.M.Shajahan
Special Government Pleader

ORDER

The petitioner is employed as a Wireman in Nagercoil Municipality from 09.12.1989 onwards. He is qualified in B.E. degree. According to the petitioner, there is no promotional avenue for the said post.

2. By placing reliance on G.O.(Ms)No.79, Municipal Administration and Water Supply Department, dated 30.04.2001, the petitioner submitted that the Government had issued orders appointing the lower level staff possessing B.E., degree as Assistant Engineers by relaxing



WP NO.4702 OF 2016

WEB COPY

the Rule relating to the method of appointment in the Corporation. The Government had subsequently ratified the same vide G.O.(D)No.393, Municipal Administration and Water Supply Department, dated 23.09.2017, with respect to Coimbatore Corporation. It is further submitted that the Salem Corporation as well as other Corporations also appointed lower level staff possessing B.E., degree as Assistant Engineers in their Corporations. In support of his submission, the learned counsel for the petitioner produced the proceedings of the Commissioner of Salem Corporation in Na.Ka.No.C3/010260/2021 dated 01.11.2021.

3. In view of the Government Order in G.O.(Ms)No.79, Municipal Administration and Water Supply Department, dated 30.04.2021 as well as the proceedings of the Commissioner of Salem Corporation dated 01.11.2021 adopting G.O.(Ms)No.79 and appointing the lower level staff possessing B.E., degree, to the post of Assistant Engineer, this Court is of the view that the petitioner may also be given an opportunity to submit a representation to the respondents by relying upon the aforesaid proceedings



WP NO.4702 OF 2016

WEB COPY

with a consequential direction to the Government to dispose of the same on merits and in accordance with law.

4. In the light of the above observations and findings, the petitioner is granted liberty to submit a fresh representation to the first respondent seeking appointment to the post of Assistant Engineer in Nagercoil Municipality and on receipt of such representation, the first respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, in the light of the Government Order in G.O.(Ms)No.79, Municipal Administration and Water Supply Department, dated 30.04.2021; G.O.(D)No.393, Municipal Administration and Water Supply Department, dated 23.09.2017; as well as the proceedings of the Commissioner of Salem Corporation in Na.Ka.No.C3/010260/2021 dated 01.11.2021 and pass appropriate orders, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.



WP NO.4702 OF 2016

5. The writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

WEB COPY

27.02.2023

(2/2)

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

To

- 1.The Secretary to Government
Municipal Administration and
Water Supply Department
Secretariat,
Chennai – 600 009.
- 2.The Director of Municipal Administration
Chepauk,
Chennai – 600 005.
- 3.The Commissioner
Nagercoil Municipality
Nagercoil.

5/6



WEB COPY



WP NO.4702 OF 2016

M.S.RAMESH, J.

TK

WP NO.4702 OF 2016

27.02.2023

(2/2)