



W.P.No.23865 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

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A.Amalraj

... Petitioner

Versus

1.The Government of Tamil Nadu,

Rep by The Principal Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai-600009.

2.The Director of Municipal Administration,

No 75, Santhome High Road, M.R.C Nagar, Raja Annamalaipuram,
Chennai-600 028.

3.The Commissioner,

Coimbatore Municipal Corporation,
Coimbatore-641001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st and 2nd respondents to consider the proposal submitted by the 3rd respondent in Na.Ka.No.4099/2022/M.C.2, dated 27.07.2022, for promoting the petitioner as Assistant Commissioner in Municipal Corporation, Coimbatore and pass final order thereon.

For Petitioner : Mr.Durai Gunasekaran

For R1 & R2 : Mr.S.Rajesh,
Government Advocate



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ORDER

This Writ Petition has been filed to direct the respondents 1 and 2

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to consider the proposal submitted by the 3rd respondent in Na.Ka.No.4099/2022/M.C.2, dated 27.07.2022, for promoting the petitioner as Assistant Commissioner in Municipal Corporation, Coimbatore and pass final order thereon.

2.The case of the Writ Petitioner is that he was appointed in the post of Health Assistant in Coimbatore Municipal Corporation by the 3rd respondent on 07.11.1989 and thereafter, in the year 1990, the post of Health Assistant was merged with the post of Sanitary Inspector vide G.O(Ms)No.120, Municipal Administration and Water Supply Department, dated 02.02.1990. On 20.02.2006, the petitioner has completed law degree in Tamil Nadu Dr.Ambedkar Law University. Pursuant to this, the petitioner was promoted as Council Secretary on 27.10.2011. Presently, the petitioner has been serving as Council Secretary, Coimbatore Municipal Corporation and also holding Additional in charge of Assistant Commissioner, South Zone, Coimbatore Municipal Corporation as per the order of the 3rd respondent, dated 18.06.2013. Later, the petitioner was transferred to North Zone of Coimbatore Municipal Corporation through the



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proceedings of the 3rd respondent, dated 17.12.2014. Now, the grievance of the petitioner is that the similar persons who had been holding the same posts of Sanitary Inspector and Council to Secretary as the petitioner, have been promoted to the post of Assistant Commissioner in respective Municipal Corporation, but the petitioner has not been considered for promotion. In this regard, the petitioner has submitted his application to the 3rd respondent, who in turn, recommended the same to the 1st respondent on 14.11.2014. Thereafter, once again, a proposal has been sent by the 3rd respondent in Na.Ka.No.4099/2022/M.C.2, dated 27.07.2022 for promoting the petitioner as Assistant Commissioner in Municipal Corporation. Despite the same, no order has been passed by the 1st respondent. Hence, seeks direction of this Court.

3.The learned Government Advocate appearing for the respondents 1 and 2 submitted that appropriate orders will be passed on the proposal sent by the 3rd respondent on 27.07.2022.



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4.Considering the fact that a proposal has been sent by the 3rd respondent in Na.Ka.No.4099/2022/M.C.2, dated 27.07.2022 for promoting the petitioner as Assistant Commissioner in Municipal Corporation, there shall be a direction to the 1st respondent to consider the proposal sent by the 3rd respondent and pass orders on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is disposed of. No costs

14.08.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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To

1.The Principal Secretary to Government of Tamil Nadu,
The Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St.George, Chennai-600009.

2.The Director of Municipal Administration,



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No 75, Santhome High Road, M.R.C Nagar, Raja Annamalaipuram,
Chennai-600 028.

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3.The Commissioner,
Coimbatore Municipal Corporation,
Coimbatore-641001.



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N.SATHISH KUMAR, J.
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