



W.P.No.28641 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.28641 of 2023

Reena

... Petitioner

Vs.

1. The Director,
Local Administration Department,
Pondicherry.

2. The Deputy Director (MA),
Local Administration Department,
Pondicherry.

3. The Commissioner,
Mahe Municipality,
Mahe, Pondicherry.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 29.11.2022 and appoint the petitioner in the post of Work Inspector / Draughtsman, in the office of the 3rd respondent with the equivalent grade pay of 1900-4200.



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For Petitioner : Mr.Swarnam J.Rajagopalan

For Respondents 1 to 3 : Mr.V.Vasanthakumar
Additional Government Pleader
(Pondicherry)

ORDER

This writ petition has been filed to direct the 1st respondent to consider the petitioner's representation dated 29.11.2022 and appoint the petitioner in the post of Work Inspector / Draughtsman, in the office of the 3rd respondent with the equivalent grade pay of 1900-4200.

2.It is the case of the petitioner that she was originally appointed as Technical Assistant Grade-II in Mahe Municipality in the year 2004 and after rendering 11 years of unblemished service, the services of the petitioner were regularised in the post of Lower Division Clerk in the office of the 3rd respondent with effect from 03.08.2015. It is the contention of the petitioner that the similarly situated persons were regularized in the post of Technical Assistant Grade-II, however, since there was no vacancy in the technical posts at the relevant point of time, the petitioner was regularized in the post of Lower Division Clerk, which is a non-technical post. Therefore, it is the grievance of the petitioner that



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she is receiving only Rs.1900/- as Grade Pay, whereas, the similarly situated persons who were regularized in the technical post are receiving Grade Pay of Rs.1900/- to 4200/-. Therefore, the petitioner submitted her representation dated 29.11.2022 to post her in the post of Draughtsman in the 3rd respondent office in the arising vacancy, based on the petitioner's technical knowledge. Though the 3rd respondent has recommended for such posting by his letter dated 29.11.2022, the 1st respondent is yet to pass appropriate orders. Hence, the writ.

3.Heard the learned counsel for the petitioner.

4.Mr.V.Vasanthakumar, learned Additional Government Pleader (Pondicherry), who takes notice for the respondents, submitted that there was no vacancy in the technical post and therefore, the petitioner could not be absorbed in the technical posts at the relevant point of time.

5.Having regard to the facts and circumstances of the case, if any vacancy arises in future in the post of Draughtsman/Work Inspector in the office of the 3rd respondent, let the respondents address the grievances of the petitioner by considering her representation dated 29.11.2022 on



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merits and in accordance with law.

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6. With the above direction, this writ petition is disposed of. No

costs.

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

1. The Director,
Local Administration Department,
Pondicherry.
2. The Deputy Director (MA),
Local Administration Department,
Pondicherry.
3. The Commissioner,
Mahe Municipality,
Mahe, Pondicherry.



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N. SATHISH KUMAR, J.
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