



W.P(MD)No.5513 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5513 of 2023

and

W.M.P.(MD)No.5125 of 2023

A.Mathuram

... Petitioner

Vs.

1.The Additional Chief Secretary
to the Government,
Municipal Administration and
Water Supply Department,
Fort St.George,
Chennai.

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

3.The Commissioner,
Madurai City Municipal Corporation,
Madurai-625 002.

4.The Commissioner,
Erode City Municipal Corporation,
Erode.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 3



W.P(MD)No.5513 of 2023

to appoint the petitioner in the newly created post of Chief Engineer by a Government Order in G.O.(Ms)No.152, Municipal Administration and Water Supply (Ma.Na) Department, dated 20.10.2022 in the 3rd respondent corporation on the basis of the representations of the petitioner dated 27.10.2022, 16.02.2023 and 01.03.2023 made to the first respondent.

For Petitioner : Mr.B.Saravanan
Senior Counsel
for Mr.D.Kirubarakan

For Respondents : Mr.R.Baskaran
Additional Advocate General
assisted by Mr.K.Balasubramani
Special Government Pleader for R1 & R2

: Mr.S.Vinayak
Standing Counsel for R3

: Mr.M.Rajamathivanan for R4

ORDER

Heard the learned senior counsel appearing for the petitioner and the learned Additional Advocate General assisted by learned Special Government Pleader appearing for the respondents 1 & 2.

2. The petitioner is an aspirant for the post of chief engineer in Madurai City Municipal Corporation. That post has been newly created vide G.O. (Ms)No.152, Municipal Administration and Water Supply (Ma.Na.)



W.P(MD)No.5513 of 2023

Department, dated 20.10.2022. The petitioner by virtue of his seniority and standing is eligible to be considered for the said post in any one of the local bodies. The Government is the appointing authority. While this Court will not be justified in directing the Government to fill up the vacancies, as and when the post in any of the local bodies including Madurai City Municipal Corporation is sought to be filled up, the case of the petitioner will be considered. The learned counsel for the petitioner states that the petitioner is due for retirement by 30.05.2023. Of-course, this direction to consider the petitioner's case will have to be complied with, only if such a process takes place before the petitioner's retirement date.

3. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

27.04.2023

Index : Yes / No

Internet : Yes/ No

rmi

NOTE:Issue Order Copy on 28.04.2023

To

1.The Additional Chief Secretary
to the Government,
Municipal Administration and
Water Supply Department,
Fort St.George,
Chennai.



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W.P(MD)No.5513 of 2023

G.R.SWAMINATHAN, J.

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

W.P(MD)No.5513 of 2023

27.04.2023