



W.P.(MD)No.4121 and 4122 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.4121 and 4122 of 2018

and

W.M.P.(MD).Nos.4282 to 4285 of 2018

N.Arumugam

... Petitioner in W.P.(MD).No.4121 of 2018

G.Muniyandi

... Petitioner in W.P.(MD).No.4122 of 2018

Vs.

1.The Secretary to the Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St. George,
Chennai 600 009.

2.The Commissioner,
Municipal Corporation,
Madurai.

... Respondents in both W.Ps.

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings issued by the first respondent in Letter No.5057/Ma.Na.4/2012-6 dated 09.12.2013 and the order passed by the 2nd respondent in his proceedings in Ma Ni



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27/028896/2005 dated 12.02.2018 insofar as the petitioner in concerned and quash the same and consequently direct the respondents to allow the petitioner to continue to work in the post of Tax Collector or any other equivalent post on par with his juniors.

For Petitioners : Mr.R.Sundarvijayaraj
for M/s. Veera Associates
For R1 : Mrs.K.Christy Theboral
Additional Government Pleader
For R2 : Mr.R.Murali

COMMON ORDER

Since the issue involved in these writ petitions is one and the same, they have been taken up together and disposed of by this common order.

2. The case of the petitioners is that they were appointed as Office Assistant and Watering Mazdoor in the year 1990 and 1989 respectively under the second respondent Corporation. The said posts come under Class IV of Basic Servants in the respondent Corporation and they have been working for more than 15 years without any adverse remarks. As per the



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Tamil Nadu Municipal Corporation General Subordinate Service Rules, 1996, the next higher promotion post is Record Assistant. The said post of Record Assistant is equivalent to the post of Conservancy Supervisor. Further, the said post of Conservancy Supervisor is a transferable post. While so, the petitioners and other 29 persons were have been promoted to the post of Conservancy Supervisor. Thereafter, they were promoted as Tax Collector in the year 2006.

3. As per Rule 3 of the Tamil Nadu Municipal Corporation General Subordinate Service Rules, 1996, the feeder category for the post of Conservancy Supervisor is Record Clerk. Since the petitioners were appointed as Basic Servants in the respondent Corporation, they are entitled to be promoted, for which the respondent Corporation has sent a proposal. However, the same was rejected by the first respondent on 09.12.2013. Consequently, the petitioners were reverted to the post of Office Assistant from the post of Tax Collector, without any notice. Challenging the same, the present writ petitions have been filed.



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4. The learned counsel appearing for the petitioners would submit that since the petitioners are not come under the feeder category to the promotional post of Conservancy Supervisor, they were demoted. But they are still in service and hence, this Court may issue a direction to the respondents to consider the petitioners' services and to give necessary promotion based on the seniority.

5. Considering the limited request made by the learned counsel for the petitioners, this Court, without interfering with the order impugned in these writ petitions, directs the respondents to give eligible promotion to the petitioners, considering the length of service rendered by them, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, these writ petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

13.02.2023

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To

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M.DHANDAPANI,J.

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