



W.P(MD)No.21351 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.21351 of 2023

D.Saravanakumar

... Petitioner

Vs.

1.The Director of Municipal Administration,
Santhome High Road,
Rana Annamalaipuram,
Chennai-28.

2.The Joint Director of Municipal Administration,
Kochadai Post,
Madurai,
Madurai District.

3.The Commissioner of Municipality,
Municipal Office,
Chinnamanur Post,
Uthamapalayam Taluk,
Theni District.

... 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 1st respondent to pass appropriate orders on the proposal of the 3rd respondent in Na.Ka.No. 2511/2019/¶1, dated 04.02.2020 and Na.Ka.No.3037/2020/C1, dated 01.03.2021 and letter Na.Ka.No. 772/2021/A3, dated 16.02.2021 of the 2nd respondent to accord



W.P(MD)No.21351 of 2023

permission to fill up the vacancies of driver in the 3rd respondent Municipality so as to comply with the order of the High Court in W.P(MD).No.10732 of 2020, dated 18.02.2021 for favour of appointment of the petitioner as driver in 3rd respondent Municipality in the light of G.O.(Ms).No.183, Municipal Administration and Water Supply Department, dated 20.08.1984, by considering the petitioner's representation, dated 11.08.2023.

For Petitioner : Mr.K.Ponnaiah
For R1 & R2 : Mr.T.Villavankothai
Additional Government Pleader
For R3 : Mr.A.K.Manikkam
Standing Counsel

ORDER

The present writ petition has been filed by a Sweeper in the 3rd respondent Municipality seeking a Mandamus as against the respondents to promote him to the post of Heavy Vehicle Driver which is vacant in the said Municipality.

2. According to the learned counsel appearing for the writ petitioner, the petitioner is having all the qualifications to be appointed as Heavy Vehicle Driver and he has been working as a Heavy Vehicle Driver from the year 2016 onwards. By an order, dated 07.11.2016



W.P(MD)No.21351 of 2023

issued by the 3rd respondent Municipality, the petitioner has been allotted work to drive the Tractor. On 10.10.2019, a similarly placed Sweeper, namely R.Rajesh has been temporarily promoted and appointed as Driver.

3. The petitioner had filed W.P(MD)No.10732 of 2020 seeking a Mandamus directing the Commissioner of Municipality to consider his representation to promote the petitioner as Heavy Vehicle Driver. The said writ petition was disposed off on 18.02.2021 directing the Commissioner of Municipality to consider his representation on merits and in accordance with law and pass orders within a period of eight (8) weeks. In compliance with the said orders, the Commissioner of Municipality has forwarded the communication to the 1st respondent on 11.03.2021 recommending the case of the writ petitioner. However, the said files are pending before the 1st respondent for the past 2 years.

4. In view of the above said facts, the 1st respondent is directed to consider the recommendations of the 3rd respondent, dated 11.03.2021 and pass orders on merits and in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.



W.P(MD)No.21351 of 2023

WEB COPY 5. This Writ Petition stands disposed of on the above said terms.

No costs.

17.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
gbg

To

- 1.The Director of Municipal Administration,
Santhome High Road,
Rana Annamalaipuram,
Chennai-28.
- 2.The Joint Director of Municipal Administration,
Kochadai Post,
Madurai,
Madurai District.
- 3.The Commissioner of Municipality,
Municipal Office,
Chinnamanur Post,
Uthamapalayam Taluk,
Theni District.



WEB COPY



W.P(MD)No.21351 of 2023

R.VIJAYAKUMAR,J.

gbg

Order made in
W.P(MD)No.21351 of 2023

Dated:
17.10.2023