



W.P.(MD)No.22339 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.22339 of 2017

R.Sakthivel

... Petitioner

Vs.

1. The Principal Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai – 600 009.
2. The Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai – 600 005.
3. The Commissioner,
Dindigul City Municipal Corporation,
Dindigul – 1.

4. A. Kathiresan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Madamus, directing the respondents to effect the petitioner's date of promotion to the post of Electrician Grade - I, with effect from the date on which the petitioner's junior was promoted i.e. on 23.07.1998 instead of 29.06.2012 and to give further promotion with all consequential monetary



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benefits on my representation, dated 12.10.2017, within the time stipulated by this Court.

For Petitioner	: Mr.N.Mariappan
For R-1 & R-2	: Mr.R.Suresh Kumar Additional Government Pleader
For R-3	: Mr.J.Lawrance
For R-4	: No appearance

ORDER

This Writ Petition has been filed for writ of Mandamus to direct the respondents to effect the petitioner's date of promotion to the post of Electrician Grade - I, with effect from the date on which the petitioner's junior was promoted i.e. on 23.07.1998, instead of 29.06.2012 and to give further promotion with all consequential monetary benefits based on my representation, dated 12.10.2017, within the time stipulated by this Court.

2. Heard Mr.N.Mariappan, learned counsel appearing for the petitioner and Mr.R.Suresh Kumar, learned Additional Government Pleader appearing for the respondents 1 & 2 and Mr.J.Lawrance, learned counsel



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appearing for the 3rd respondent. Perused the material documents available on record.

3. This writ petitioner was appointed in the year 1991 as NMR employee. Thereafter in order to consider the case of the petitioner for regularization a proposal was submitted to the government. The government after considering the case has issued G.O.(D) No.260, Municipal Administration and Water Supply Department, dated 22.06.1995 wherein the 1st respondent was directed to appoint the petitioner as Electrician Grade II in the 3rd respondent Municipality, by relaxing 3(a) of the Tamil Nadu Municipal Engineering Subordinate Service Rules, 1970. Thereafter, vide proceedings, dated 29.06.1995 the petitioner was appointed as Electrician Grade II, in regular time scale of pay. In spite of such regularization, the petitioner was granted promotion belatedly, therefore, now the petitioner is seeking promotion on par with his junior, namely A. Kathiresan, who is the 4th respondent herein.

4. On perusal of the G.O.(D) No.260, Municipal Administration and Water Supply Department, dated 22.06.1995, it is seen the Government has



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granted regularization and directed the municipality to appoint the petitioner in Grade-II Electrician in the time scale of pay. The municipality has appointed the petitioner on 29.06.1995. The fourth respondent who is junior to the petitioner was appointed on 16.06.1997 was promoted on 23.07.1998 as Grade-I Electrician. Admittedly the fourth respondent was appointed after the petitioner's regularization and in such circumstances, the petitioner is entitled to consider for promotion on par with his junior, the fourth respondent.

5. Accordingly, the respondents are directed to consider the petitioner's case in the light of the promotion granted to the 4th respondent and pass orders. If the petitioner is eligible the petitioner shall be granted with all consequential benefits. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of the order.

6. With the above directions, this Writ Petition is allowed. No costs.

Index : Yes / No
Internet : Yes
ksa

24.01.2023



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To

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Municipal Administration and Water Supply Department,
Secretariat, Chennai – 600 009.
2. The Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai – 600 005.



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S.SRIMATHY, J

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**Order made in
W.P.(MD)No. 22339 of 2017**

24.01.2023