



WEB COPY

W.P.No.23966 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.23966 of 2013
and M.P.No.3 of 2013

P.Narayanan
Municipal Commissioner,
Vellakoil Municipality,
Vellakoil.

...

Petitioner

versus

1.The Secretary to Government,
Municipal Administration and
Water (M.E.1) Supply Department,
Secretariat, Chennai - 600 009.

2.The Secretary to Government,
Personal Administrative
Reforms Department,
Secretariat, Chennai - 600 009.

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

4.B.V.Surender Sha,
Commissioner,
Nellikuppam Municipality,
Nellikuppam.

...

Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the concerned record relating to G.O.(Ms.)No.114 Municipal Administration and Water Supply (ME-1) Department dated 26.07.2013 passed by the first respondent and Roc.No.51031/2012-C1 dated 14.08.2013 passed by the third respondent and quash the same in so far as the fourth respondent is concerned.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.R.Murthy
Government Advocate - R1 to R3
Mr.C.Vigneswaran - R4

ORDER

The writ petition is filed challenging the G.O.(Ms.)No.114 Municipal Administration and Water Supply (ME-1) Department dated 26.07.2013 passed by the first respondent and the proceedings dated 14.08.2013 passed by the third respondent, whereby the services of the fourth respondent were regularised as 'Municipal Commissioner Grade-II'.

2. When the matter is taken up for hearing, Mr.M.Gnanasekar, learned counsel for the petitioner submitted that in fact the petitioner had filed a writ petition in W.P.No.10374 of 2011 challenging the very selection of the fourth respondent as 'Municipal Commissioner Grade-II' and since



that writ petition is still pending, he will agitate all his grievances in that writ petition.

3. Mr.C.Vigneswaran, learned counsel for the fourth respondent also brought to the notice of this Court that in fact the petitioner had filed a writ petition in W.P.No.22058 of 2013 wherein he had prayed to forbear the respondents from promoting the fourth respondent. The writ petition was disposed of by order dated 24.09.2020, wherein the respondents were directed to revisit the appointment/promotion.

4. Consequent to the orders passed in the above writ petition, the respondents by proceedings in Letter No.11770/ME.1/2011-9 dated 13.06.2022 passed orders by holding that the appointment of the fourth respondent to the post of Municipal Commissioner Grade-II was strictly made in accordance with the requirements prescribed in Rules 2 and 4 of Special Rules for the Tamil Nadu Municipal Commissioners Subordinate Service. The petitioner had not challenged the consequential order passed by the respondents.

5. It is also submitted by the learned counsel for the fourth respondent that atleast 11 writ petitions and 1 writ appeal have been filed by



the petitioner in respect of the appointment and promotion of the fourth respondent and in fact, all the writ petitions and writ appeal have been either dismissed on merits or dismissed as withdrawn. The petitioner has also filed quo-warranto petition in W.P.No.24466 of 2013 and the same was disposed of by this Court, where the respondents were permitted to promote the fourth respondent as 'Municipal Commissioner Grade-II'.

6. Be that as it may, without going into these aspects, since the learned counsel for the petitioner submitted that he will agitate all his grievances in the writ petition pending in W.P.No.10374 of 2011, recording his submissions, this Writ Petition stands *dismissed*. Consequently, connected Miscellaneous Petition is closed.

7. There shall be no order as to costs.

03.12.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



To

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G.ARUL MURUGAN, J.

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