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W.P.No.30624 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.30624 of 2015

and

M.P. No. 2 of 2015

R.Murugan

... Petitioner

Vs.

1. The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore – 641 001.

2. The Director of Municipal Administration,
Chepauk, Chennai – 600 005.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent issued in Na. Ka. No. 7196/2013/MC dated 31.07.2013 and quash the same and consequently direct the respondent to consider the case of the petitioner to appoint him as Skilled Assistant Grade II from 1999.



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For Petitioner : Mr. T.Ranganathan

For Respondents : Mr. Najeeb Usman Khan (for R1)

Mr. S.Rajesh,
Government Advocate (for R2)

ORDER

The instant Writ Petition has been filed challenging the order in Na. Ka. No. 7196/2013/MC dated 31.07.2013, passed by the first respondent, and consequently directing the respondents to consider the case of the petitioner for appointment as Skilled Assistant Grade-II with effect from 1999.

2. The learned counsel for the petitioner would vehemently contend that the petitioner was originally appointed as a daily wage NMR during 1983 and, subsequently, by virtue of G.O. (Ms) No. 1644, RD & LA Department dated 12.10.1979, was regularized during 1993 and posted in the sanctioned post of Meter Reader during 1999. It is further contention of the learned counsel for the petitioner that during 1996, a new rule was



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formulated under G.O. Ms. No. 237, Municipal Administration and Water Supply (Election) Department, dated 26.09.1996, wherein various posts were grouped, and the petitioner's cadre, namely Meter Reader, was classified as Skilled Assistant Grade-II. However, it is contention of the learned counsel for the petitioner that he has not been considered for the post of Skilled Assistant Grade-II, and his right has been denied on the frivolous ground of lack of required qualification. It is also the contention of the learned counsel for the petitioner that the required qualification is not a 10th standard pass, but rather possession of an ITI certificate.

3. Whereas the said contention was stoutly refuted by the learned counsel appearing for the first and second respondents, by contending that the petitioner did not possess the requisite qualification for Skilled Assistant Grade-II.

4. While perusing this case file, this petition is pending since 2015. Here, the only contention put forth by the petitioner is that, by virtue of G.O. Ms. No. 237, Municipal Administration & Water Supply (Election) Department dated 26.09.1996, he must be treated as a Skilled Assistant



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Grade-II. Further, the learned counsel for the petitioner invited the attention of this Court to the letter of the Commissioner of Coimbatore dated 13.05.2003 in Na. Ka. NO. 6825/2001/MC3, wherein in serial Nos. 9 and 11, the persons who failed in the 10th standard were considered for promotion only on the basis of their ITI certificate.

5. However, when this Court put pertinent questions to the learned counsel for the petitioner to produce the rules to determine the required qualification for Skilled Assistant Grade-II, the learned counsel prayed that, since the matter has been pending from 2015, and similarly placed persons were already been considered by the Corporation by applying the respective rules, seeks for limited prayer to remit the matter back to the respondents for fresh consideration. For reconsideration of this case, the counsel for the respondents also concede, to consider the case of the petitioner afresh in accordance with applicable rules. The submissions of both sides counsel were considered.



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6. In view of the above submissions, the impugned order dated 31.07.2013 is hereby set aside, and the matter is remitted back to the respondents to consider the case of the petitioner afresh and pass appropriate orders on it's own merit and in accordance with applicable rules and regulations, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above observations, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

27.09.2024

kv

Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

To

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Coimbatore City Municipal Corporation,
Coimbatore – 641 001.
2. The Director of Municipal Administration,



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C.KUMARAPPAN, J.

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