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WP No.7507 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

WP No. 7507 of 2023

L.Mathiazhagan

... Petitioner

vs.

Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
Thalamuthu-Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

... Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent herein to prepare the seniority list for the post of Planning Assistant Grade-II and to fill up the vacancy by promoting the petitioner as per the seniority list by considering the petitioner's representation dated 24.08.2020.

For Petitioner : Mr. C.Kasirajan

For Respondent : Mrs. P.Veena Suresh



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ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondent to prepare the seniority list for the post of Planning Assistant Grade II and to fill up the vacancy by promoting the petitioner as per the seniority list by considering the representation made by the petitioner on 24.08.2020.

2. The case of the petitioner is that he joined the service of the respondent in the year 1989. The petitioner was promoted as Planning Assistant Grade IV in the year 2007. Subsequently he was promoted as Planning Assistant Grade III in the year 2012. He was working in this position for more than 10 years. The grievance of the petitioner is that thereafter, no steps were taken for preparing a panel for promotion to the post of Planning Assistant Grade II. The petitioner gave a representation in this regard and requested the respondent to prepare a seniority list for the post of Planning Assistant Grade II and to fill up the vacancy as per the seniority list. Since the same was not considered, the present writ petition



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has been filed before this Court seeking appropriate directions.

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3. The respondent has filed a counter. The relevant portions in the counter are extracted hereunder.

8. I submit that as per the estimate of vacancies for the year 2014-2015, out of 12 vacancies, 5 Planning Assistant Grade- III was promoted as Planning Assistant Grade-II, since no qualified hands were available for promotion of Planning Assistant Grade-II and the remaining 7 vacancies were called for Direct Recruitment. The individual has not completed 3 years experience in the post of Planning Assistant Grade- III as on 31.03.2015 so, not qualified for promotion.

9. I submit that it is informed to the Petitioner that his request will be considered at the time of arising of promotion vacancy in the post of Planning Assistant Grade -II and therefore, it cannot be considered now vide Memo No. E6/5700/2020 dated 16.09.2020. The post of Planning Assistant, Grade -II is to be filled up by ratio 1:2 of Direct Recruitment: Promotion, as per Chennai Metropolitan Development Authority Approved Service Regulation 1980.



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10. I submit that in the estimate of vacancies prepared for the year 2020-2021, 31 vacancies have been earmarked for Direct Recruitment. So, the Petitioner request cannot be considered. It is further submitted that as per the panel prepared for the year 2020- 2021, Petitioner Thiru L. Mathiazhagan, Planning Assistant, Grade -III was in the 7th place in the seniority in the estimate of vacancies prepared for the year 2020-21, 31 vacancies in the post of Planning Assistant Grade -II are earmarked for Direct Recruitment, wherefore, he was not considered for promotion. I further submit that in the year 2021, the New Draft Chennai Metropolitan Development Authority Service Regulations, was under process of finalization. Hence, the request of the Petitioner was kept in abeyance. Now, the CMDA Service Regulations, 2022 was approved by the Government in G.O. (Ms). No. 292, Housing and Urban Development Department, dated 16.12.2022 and Rationalization of staff structure was pending for approval.

19. In response to the averments made in paragraph 9. I submit that the Petitioner is in the 7th



position as per the seniority list. I further submit that the statement of the Petitioner in "non filing up of promotion quota for the past 5 years affected him", is incorrect. Since the last promotion was given on 27.02.2015. All the promotional method posts were filled and there were only vacant posts in the method of Direct Recruitment.

4. Heard Mr.C.Kasirajan, learned counsel appearing for the petitioner and Mrs.P.Veena Suresh, learned counsel appearing for the respondent.

5. There is no dispute with regard to the fact that the next promotion avenue for the petitioner is to the post of Planning Assistant Grade II. It is admitted in the counter that this post is to be filled up in the ratio of 1:2 i.e. one direct recruitment:two promotions. For the year 2020-2021, 31 vacancies have been earmarked for direct recruitment. That apart the panel was also prepared where the name of the petitioner is placed in Serial No.7 in the seniority list. It has been stated in the counter that as and when the post is filled up through promotion, the name of the petitioner will be considered since his name is already found in the seniority list.



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6. The apprehension of the petitioner is that he is fast approaching the age of superannuation and till date no effective steps have been taken to fill up the post by promotion. In the meantime, the petitioner has stagnated in the post of Planning Assistant Grade III for more than 10 years.

7. Considering the grievance expressed by the petitioner, the respondent on completion of the filling up of post through direct recruitment, shall start the process of promotion to the post of Planning Assistant Grade II from the seniority list that has already been prepared for the year 2020-2021. This process shall be completed by the respondent preferably within a period of six months.

8. This Writ Petition is disposed of with the above directions.

19.08.2024

jv

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Index: Yes/No
Internet: Yes/No
speaking order/ Non Speaking order
Neutral Citation: Yes/No

To

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N.ANAND VENKATESH, J.

jv

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