



W.P. No.32973 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No. 32973 of 2013

and

M.P.No.2 of 2013

and

M.P.Nos.1 of 2014 and 1 of 2015

K.Sugumar

... Petitioner

Vs.

1. The Secretary to Government
Municipal Administration and Water Supply Department
Secretariat, St.George Ft., Chennai – 600 009.
2. The Commissioner of Municipal Administration
Chepuak, Chennai – 600 005.
3. The Commissioner
Coimbatore City Municipal Corporation
Coimbatore – 641 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent issued in G.O.(D) No.565

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MAWS Department dated 14.11.2013 and quash the same insofar as the Coimbatore City Municipal Corporation is concerned and to consider the name of the petitioner to the post of City Engineer for which he is fully qualified and also holding the City Engineer post on Additional Charge from 01.04.2013.

For Petitioner : Mr.T.Ranganathan
For Respondents : Ms.R.L.Karthika
Government Advocate for R1 and R2

Mr.K.Magesh for R3

ORDER

This writ petition has been filed questioning G.O.(D) No.565, Municipal Administration and Water Supply Department, dated 14.11.2013 and to quash the same insofar as the Coimbatore City Municipal Corporation is concerned and further sought for a consequential direction to consider the case of the petitioner for promotion to the post of City Engineer in Coimbatore City Municipal Corporation.

2. The petitioner herein while working as Executive Engineer in the third



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respondent/Corporation, he was also kept in-charge of the post of City Engineer with effect from 01.04.2013. The case of the petitioner was also considered for promotion to the post of City Engineer and accordingly, a Resolution was passed by the third respondent/Corporation, vide Na.Ka.No.10540/2012, dated 30.03.2013, recommending the appointment of the petitioner as City Engineer on promotion. According to the petitioner, the said recommendation made by the third respondent/Corporation is still pending for consideration before the first respondent. The relevant paragraph from the affidavit filed in support of the writ petition, in this regard reads as under :

" 4. The petitioner humbly submit further that the 3rd respondent sent a proposal in Na.Ka.No.10540/2012 dated 30.03.2013 seeking order of the 1st Respondent, who is the appointing Authority for the post of City Engineer. The proposal was to promote and post the Petitioner to the post of City Engineer. However, the proposal is still pending with the 1st Respondent who is the competent Authority to pass appropriate orders."

3. According to the learned counsel appearing for the respondents, through



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the impugned Government Order of the first respondent, on considering the proposal submitted by the second respondent for promoting the three qualified Executive Engineers working in the Tamil Nadu Municipal Engineering Service to the vacant posts of Superintending Engineers on ad-hoc basis and to post them in the Municipal Corporations viz., Erode Corporation, Coimbatore Corporation and Madurai Corporation, issued the impugned order appointing Thiru.V.Deenadayalan and Thiru.K.Rajasekaran, Regional Executive Engineers to the posts of Superintending Engineers in Erode Corporation and Madurai Corporation, respectively. The recommendation that was made by the second respondent for promoting Thiru.V.J.Venkataraju, Regional Executive Engineer to the post of Superintending Engineer (JnNURM) and to post him in Coimbatore Corporation, was not considered and no Government order is issued.

4. From the above facts and on a perusal of the impugned Government order, it is evident that no person was appointed in the Coimbatore City Municipal Corporation where the petitioner is working. The claim of the petitioner is for promotion to the post of City Engineer, but not the post of



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Superintending Engineer. Therefore, by virtue of the impugned order, it is only the post of Superintending Engineer in Erode Corporation and Madurai Corporation were filled up on temporary basis. Hence, the petitioner herein has no claim for promotion to any of the posts, either City Engineer or to the post of Superintending Engineer existing in Erode Corporation or Madurai Corporation. In the absence of any such claim for the said posts, the petitioner herein cannot be said to be a person aggrieved by the impugned Government Order. Be that as it may. The entire basis for the claim made by the petitioner is basing upon the Resolution dated 30.03.2013 said to have been passed by the third respondent.

5. In the counter affidavit filed on behalf of respondents 1 and 2, it is stated that the third respondent/Corporation through its letter No.10540/MC1/2012, dated 03.04.2013, has sent a proposal for promoting the petitioner to the post of City Engineer and while such proposal was pending before the respondents 1 and 2, the third respondent/Corporation has sent a revised proposal, vide letter No.10540/MC1/2012, dated 04.07.2013 for appointing one Ganeshwaran to the post of City Engineer and therefore, earlier



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recommendation stood modified and there was no recommendation for considering the case of the petitioner for promotion to the post of City Engineer.

Further, from the counter affidavit filed by the respondents 1 and 2, it is noticed that the qualification criteria for promotion to the post of City Engineer is that, one must have completed three years of service in the Corporation as Executive Engineer and must have also completed a minimum period of one year in the post of Assistant Commissioner (Ward Office), but the petitioner herein had not acquired the experience in the post of Assistant Commissioner (Ward Office) and having not completed the said period of one year, the case of the petitioner cannot be considered for appointment to the post of City Engineer.

6. The said averment made in the counter affidavit is not contradicted by the petitioner by filing re-joinder or reply affidavit. In the absence of any dispute about the petitioner not possessing the requisite qualification, namely experience in the post of Assistant Commissioner (Ward Office) as required under Rules 3 and 4 of the Tamil Nadu Municipal Corporations Engineering and Water Supply Service Rules, 1996, the question of considering the case of



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the petitioner for promotion to the post of City Engineer does not arise.

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7. In the light of the above facts, this Court is of the considered view that the petitioner has no *locus standi* to question the impugned Government Order, as the same has nothing to do with the Coimbatore Corporation and so also, the petitioner is not entitled for the consequential relief, as the petitioner is found to be not qualified to hold the post of City Engineer in terms of Rules 3 and 4 of Tamil Nadu Municipal Corporations Engineering and Water Supply Service Rules, 1996.

8. In the light of the above facts and circumstances, this Court does not find any merit in the present petition and accordingly, the writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Speaking Order: Yes/ no
Index : Yes/No

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Neutral Citation: Yes/No

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To

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MUMMINENI SUDHEER KUMAR, J.

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