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W.P.No.6627 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.6627 of 2024

and

W.M.P.No.7351 of 2024

M.Lenin

...Petitioner

-Vs-

1.The Commissioner

Tiruppur City Municipal Corporation
Tiruppur – 641 601.

2.The Director of Municipal Administration

No.75, Santhome High Road
MRC Nagar, Raja Annamalaipuram
Chennai – 600 028.

3.The Secretary to Government

Municipal Administration and Water
Supply Department
Secretariat, Chennai – 600 009.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to issue appropriate direction to the 1st respondent on the proposal sent by the 1st respondent in Na.Ka.No.5176/2023/C1 dated 01.11.2023, in accordance with the Rules in force and in accordance with law within a reasonable period as may be fixed by this Court.

For Petitioner

: Mr.T.Ranganathan



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For Respondent 1 : Mr.D.R.Arunkumar
Standing Counsel

For Respondents 2 & 3 : Mrs. R.L.Karthika
Government Advocate

ORDER

This writ petition has been filed for direction to the 2nd respondent to issue appropriate direction to the first respondent on the proposal sent by the first respondent dated 01.11.2023.

2. The petitioner was initially appointed as Driver on 29.09.1998. He is qualified with SSLC and Diploma in Mechanical Engineering in the year 1988. His next promotion is to the category of Junior Assistant. As per Rule 3 of the Tamilnadu Municipal Corporations General Subordinate Service Rules, 1996, the post of Junior Assistant can be filled up by Direct Recruitment and by promotion from the holders of Driver (Category 1 of class IV) and from Record Assistant and Conservancy Supervisors (Category I and B of Class V). Therefore, the petitioner submitted representation to consider his case of promotion to the post of Junior Assistant. The second respondent by its communication dated 25.07.2022 also issued clarification to all the Corporation



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Commissioners. As per orders of the Government order in G.O.Ms.No.87,

MAWS department dated 19.08.2020, the post of Junior Assistant shall be filled up by adopting the qualification of a pass in X Standard from the date of the order. Accordingly, various Commissioners of Municipal Corporation issued orders and promotion were given to the post of Junior Assistant. Therefore, once again, the petitioner submitted representation requesting that to promote him to the post of Junior Assistant in accordance with Rules. Mean while, the Government have issued orders framing Tamilnadu Urban Local Bodies Rules, 2023 in G.O.Ms.No.45, MAWS Department dated 12.04.2023. Subsequently, the Government issued orders in G.O.(D).No.516, MAWS Department dated 02.09.2023. The petitioner was promoted and appointed as Junior Assistant by proceedings dated 16.10.2023. However, the first respondent was not permitted the petitioner to join duty. While being so, once again the first respondent issued letter to the second respondent dated 01.11.2023 seeking further clarification after issuing order of appointment.

3. In view of the above, the second respondent is directed to issue



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appropriate orders on the proposal sent by the first respondent and appointing the petitioner as Junior Assistant within a period of four weeks from the date of receipt of copy of this order.

4. With the above direction, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

13.03.2024

Internet: Yes
Speaking/Non Speaking order
Neutral Citation : Yes/No
gvn

To

1.The Commissioner



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Tiruppur City Municipal Corporation
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G.K.ILANTHIRAIYAN. J,

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