



WEB COPY



W.P.No.15518 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

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THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.15518 of 2020

and

W.M.P. Nos. 19371, 19373, 19374 and 19375 of 2020

K.Nagarajan

... Petitioner

Vs.

1. The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai – 600 009.
2. The Commissioner of Municipal Administration,
No. 75, Santhome High Road,
MRC Nagar,
Chennai – 600 028.
3. The Commissioner,
Nagercoil City Municipal Corporation,
Nagercoil.
4. Sherin Nisha

... Respondents



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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 second respondent issued in Letter No. 16707/2020/F4 dated 30.09.2020 and quash the same and consequently direct the first and second respondents to permit the third respondent, to consider the name of the petitioner for appointment as Assistant Engineer, in the existing vacancy at Nagercoil City Municipal Corporation, in the light of the orders already issued by the first respondent in G.O. (Ms) No. 79 MAWS Department dated 30.04.2001, within a reasonable period as may be fixed by this Court.

For Petitioners : Mr. T.Ranganathan
For Respondents : Mr. A.M.Ayyadurai,
Government Advocate (for R1 & R2)

Mr. B.Anand (for R3)

No appearance (for R4)

ORDER

The instant Writ Petition has been filed, challenging the proposal sent by the second respondent in respect of the fourth respondent.

2. At this juncture, the learned counsel for the third respondent submitted that the petitioner's representation has already been considered in



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the light of the G.O. (Ms) No. 79, Municipal Administration and Water Supply Department, dated 30.04.2001, in compliance to the direction of the earlier orders of this Court in W.P. No. 22223 of 2015, dated 23.07.2015.

3. In reply to the above argument, the learned counsel for the petitioner invited the attention of this Court to the fact that against the impugned order dated 08.10.2015, the petitioner preferred another Writ Petition in W.P. No. 4702 of 2016. Wherein, this Court, by order dated 27.02.2023, directed the petitioner to submit a fresh representation within a period of three months from the date of receipt of a copy of that order. However, it is the submission of the learned counsel for the petitioner that when the order dated 08.10.2015 was passed, the third respondent was only a Municipality, and that it was upgraded as Nagercoil City Municipal Corporation with effect from 20.02.2019. Therefore, on and after the said date, the said G.O. (Ms) No. 79, Municipal Administration and Water Supply Department, dated 30.04.2001, is applicable to him. Based on this development, the petitioner has again given another representation on 01.10.2020, and such representation has not been considered by the respondents till date.



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4. In view of the peculiar proclivity of the matter, this Court does not want to go into the merits of the matter. However, it deems it appropriate to give a direction to the first and second respondents to consider the petitioner's representation, taking into consideration the change in circumstances, and pass appropriate orders in accordance with law and on its own merits, within a period of twelve weeks from the date of receipt of a copy of this order.

5. In the result, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

28.10.2024

kv

Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

To



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C.KUMARAPPAN, J.

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