



W.P.No.19422 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2024

CORAM:

THE HON'BLE **MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.No.19422 of 2020

S.Rajamani

... Petitioner

vs.

1.The State of Tamil Nadu
rep. by the Secretary,
Municipal Administration & Water
Supply Department,
Fort St. George, Chennai-600 009

2.The Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai - 600 005

3.The Commissioner,
Erode City Municipal Corporation,
Erode.

4.N.Elankavi

5.Navanithan

6.V.Kulothungan
(R4 to R6 impleaded vide order
dated 12.04.2022 made in W.M.P.No.4520/2022
in W.P.No.19422 of 2020 by DKKJ)

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records relating to the order of the third respondent made in Na.K.A.No.C1/7008/2019 dated 03.11.2020, to quash the same and to consequently direct the third respondent to forthwith accord promotion to the post of Junior Engineer/Assistant Engineer with all consequential service and monetary benefits arising thereto with reference to the order of this Court made in W.P.Nos.7168 & 7169 of 2018 dated 25.03.2020.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.S.Rajesh
Government Advocate
for R1 and R2

Mr.M.Rajamathivanan for R3

Ms.R.Poornima for R4 to R6

ORDER

This Writ Petition has been filed to call for records relating to the order of the third respondent made in Na.K.A.No.C1/7008/2019 dated 03.11.2020, to quash the same and to consequently direct the third respondent to forthwith accord promotion to the post of Junior



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Engineer/Assistant Engineer with all consequential service and monetary benefits arising thereto with reference to the order of this Court made in W.P.Nos.7168 & 7169 of 2018 dated 25.03.2020.

2. The case of the petitioner is that the petitioner jointed the third respondent then Municipality, which is now a Corporation on 04.05.1992, as Electrician Grade-II which stood re-designated as Electrician Grade-I. Subsequently, he has been promoted as Technical Assistant on 23.09.2016, in which post, he continues as such as on date. The next avenue of promotion is the post of Junior Engineer/Assistant Engineer [JE/AE] in the respondent Corporation. As the respondent Corporation failed to consider persons who are qualified and have rendered 20 years of services for promotion, a batch of Writ Petitions filed in W.P.Nos.18953 & 25066 of 2011, seeking consideration for promotion. This Court, vide order dated 03.11.2011, quashed the Government order and directed consideration of the persons for promotion to the next higher post i.e., JE/AE. Despite the said order of this Court, rejection orders were passed for non consideration which was challenged in W.P.Nos.7168 and 7169 of 2018. This Court vide



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order dated 23.03.2020, quashed the impugned orders and ultimately directed the Corporation to accord promotion as JE/AE by taking into account the totality of the services rendered. While so, on 03.11.2020, the third respondent rejected the claim of the petitioner on the premise that the placement as assigned would stand and needs no consideration for being placed at Sl.No.13 instead of Sl.No.16. Challenging the said order, the present Writ Petition has been filed.

3. Learned counsel for the petitioner would submit that on completion of 20 years of service, the petitioner is entitled to be promoted as JE/AE as per the rules. The learned counsel also relied on the order passed by this Court in W.P.Nos.7168 and 7169 of 2018 dated 23.03.2020, wherein it held that an employee who had completed 20 years of service are entitled to be granted promotion to the post of Junior Engineer. Hence, he prays to allow this petition.

4. Mr.M.Rajamathivanan, learned Standing Counsel for the third respondent would submit that there is no rule which stipulates that the



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petitioner is entitled for promotion as JE/AE on completion of 20 years and he relied on the order passed by a learned Single Judge of this Court made in W.P.Nos.7168 and 7169 of 2018 dated 23.03.2020, wherein it is clearly stated in the order that on completion of 20 years as Technical assistant, the petitioners therein are eligible for promotion to the post of Junior Engineer and not on completion of 20 years of service from the date of initial appointment.

5. The learned Standing Counsel would further submit that the seniority list which was published on 15.02.2019 (the impugned order), wherein it is stated that the objection has to be submitted within three days from the date of publication of the final seniority list, but the petitioner has not chosen to file any objection, within the stipulated period of three days. Subsequently, the representation / objection was given by the petitioner belatedly after a period of one year. The learned Standing Counsel also submitted that the petitioner was promoted as Junior Engineer vide proceedings of the Commissioner (IC) Erode City Municipal Corporation vide Na.K.A.No.C1/4945/2023 dated 28.06.2024. Subsequently, the



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petitioner was also transferred as Municipal Engineer to Kayalpatnam Municipality on 10.09.2024.

6. Heard both sides and perused the materials available on record.

7. In the case on hand, the petitioner was appointed in the year 1992 as Grade-I Electrician at Veerappan Chathiram Panchayat Union and subsequently, the Panchayat Union was merged with the Erode City Municipal Corporation in the year 2011. It is seen that there is no rule in existence as on date to provide promotion to the petitioner on completion of 20 years of service. This apart, the petitioner herein has not objected the final seniority list within a period of 3 days stipulated in the impugned order dated 15.02.2019.

8. At this point, it is brought to the notice of the Court by the learned Standing Counsel for the third respondent that the petitioner was promoted as Junior Engineer vide proceedings of the Commissioner (IC) Erode City Municipal Corporation vide Na.K.A.No.C1/4945/2023 dated 28.06.2024



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and subsequently, the petitioner was also transferred as Municipal Engineer to Kayalpatnam Municipality on 10.09.2024. As such, nothing survives in the Writ Petition for further adjudication and the Writ Petition stands dismissed as infructuous. No Costs.

12.11.2024
(1/2)

Index : Yes/No
Speaking order : Yes/No
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To:

1. The Secretary,
Municipal Administration & Water
Supply Department,
Fort St. George, Chennai-600 009

2. The Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai - 600 005

3. The Commissioner,
Erode City Municipal Corporation,
Erode.



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J.SATHYA NARAYANA PRASAD,J.

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