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W.P.No.19425 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.19425 of 2020

K.Swaran Singh

... 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



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6.V.Kulothungan

(R4 to R6 impleaded vide order

dated 12.04.2022 made in W.M.P.No.4539/2022

in W.P.No.19425 of 2020 by DKKJ)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to 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 orders of this Court made in W.P.Nos.7168 & 7169 of 2018 dated 25.03.2020 on the basis of his representation dated 22.11.2019.

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 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



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with reference to the orders of this Court made in W.P.Nos.7168 & 7169 of 2018 dated 25.03.2020 on the basis of his representation dated 22.11.2019.

2. The case of the petitioner is that the petitioner had completed ITI Electrician followed by B.E., degree on regular basis. On 30.01.1990, he joined the third respondent Corporation as Wireman. Subsequently, on 26.10.2016, he was promoted as Technical Assistant, in which post he continues as such as on date. The next avenue of promotion is to 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 have been filed seeking consideration for promotion in W.P.Nos.18953 & 25066 of 2011. On 03.11.2011, by a common order, this Court quashed the Government order and directed consideration of the persons for promotion to the next higher post i.e., JE/AE. Despite the order, rejection orders were passed for certain other adverting innocuous and flimsy reason for non-consideration which was challenged in W.P.No.7168 and 7169 of 2018. On 23.03.2020, this Court quashed the impugned orders



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therein and ultimately directed the Corporation to accord promotion as JE/AE by taking into account the totality of the services rendered. Therefore, the petitioner herein made a representation dated 22.11.2019 seeking promotion as JE/AE and the same is pending till date. Hence, the Writ Petition.

3. Though very many grounds have been raised, the learned counsel for the petitioner submitted that it would suffice, if this Court issues a direction to the third respondent to consider the representation of the petitioner and pass appropriate orders.

4. Mr.M.Rajamathivanan, learned counsel for the third respondent would submit that appropriate orders will be passed on the petitioner's representation dated 22.11.2024 within the time as stipulated by this Court.

5. In view of the limited relief sought for by the learned counsel for the petitioner, this Court, without going into the merits of the case, directs the third respondent to consider the petitioner's representation dated



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22.11.2019 on merits and pass appropriate orders within a period of six (6) weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and aggrieved persons, if any.

6. Accordingly, this Writ Petition stands disposed of. No Costs.

12.11.2024
(2/2)

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.

J.SATHYA NARAYANA PRASAD,J.



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