



WEB COPY



W.P.No.22912 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.22912 of 2022

P.Subbuthai

...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,
Raja Annamalaipuram, Chennai-600 028.
3. The Commissioner,
Avadi City Municipal Corporation,
Avadi, Chennai-600 054.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd respondent to consider the representation submitted by the petitioner dated 24.06.2022 for promotion as Senior Grade Town Planning Officer on par with her junior Thiru.Rakkappan who was promoted on 01.08.2006, with all consequential monetary benefits within a reasonable period as may be fixed by this Hon'ble Court.



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For petitioner : Mr.T.Ranganathan
For respondents 1 & 2 : Dr.T.Seenivasan,
Special Government Pleader
For respondent 3 : Mr.R.Gopinath,
Standing Counsel

ORDER

This writ petition has been filed for direction to the 2nd respondent to consider the representation submitted by the petitioner seeking promotion to the post of Senior Grade Town Planning Officer on par with her junior

2. The petitioner is working as Town Planning Officer Grade-I in the Avadi City Municipal Corporation. As per Ordinance No.2 of 2019, the Government issued order thereby upgrading the Avadi Municipality as Avadi City Municipal Corporation. As per Section 9(6) of the said Ordinance, notwithstanding anything contained in this Ordinance, every officer or employee who immediately before the date of commencement of this Ordinance, was in the service of the Municipality shall, on and from the date of such commencement, be deemed to be an officer or employee of the Corporation. Subsequently, the petitioner was posted at Kancheepuram



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Municipality on deputation from 20.05.2020 and at Madurai City Municipal Corporation from 01.11.2021. While she was working as Town Planning Officer in the Avadi Municipality she was served with charge memo dated 02.06.2005. Subsequently, she was imposed penalty of stoppage of increment for five years with cumulative effect. The said order was challenged in W.P.No.42898 of 2016 and this Court allowed the writ petition and remanded the matter back to Government for reconsideration. Thereafter, by order dated 13.06.2022, imposed penalty of stoppage of increment without cumulative effect for the period of six months.

3. According to the petitioner, she was deliberately victimized for the past 19 years. The crucial date for preparation of panel relating to the year 2005 was 01.04.2005 and admittedly on 01.04.2005 there was no charge memo against the petitioner. However, one, Mr.Rakkappan was promoted as Senior Town Planning Officer from 01.08.2006 in order to deprive the right of the petitioner. Therefore, the petitioner submitted representation on 24.06.2022 for seeking promotion as Senior Grade Town Planning Officer on par with her Junior Mr.Rakkappan who was promoted



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on 01.08.2006.

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4. Considering the above facts and circumstances, the 2nd respondent is directed to consider the representation submitted by the petitioner dated 24.06.2022 and pass appropriate orders on merits in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

5. With the above direction, this Writ petition is disposed of. No costs.

02.02.2024

Index : Yes/No
Internet: Yes/No
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To

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G.K.ILANTHIRAIYAN,J.
gvn

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