



WEB COPY

W.P.No.3408 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2025

CORAM:

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.3408 of 2022
and WMP.No.3509 of 2022

1.Mr.S.Chandra Kumar
2.Mr.C.Saravnan
3.K.Murugan
4.G.Ravi
5.M.Balasubramani

... Petitioners

vs

1.The Secretary to Government
Municipal Administration and Water Supply Department
Fort St.George,
Chennai – 9.

2.The Commissioner of Municipal Administration
now Director of Municipality Administration
R.A.Puram, Chennai.

... respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the 1 and 2 respondents to promote from Class V to Class IV from the promotional panel of the petitioner's respective unit in the available vacancies by considering the petitioners representations dated 22.10.2021, 26.10.2021, 26.11.2021 and pass such further or other orders.



For Petitioners : Mr.R.Ramesh
For Respondents : Mr.M.Murali, GA for R1 & R2.

ORDER

WEB COPY

This writ petition is filed to promote the petitioners from Class V to Class IV from the promotional panel of the petitioner's respective unit in the available vacancies by considering the petitioners representations dated 22.10.2021, 26.10.2021 and 26.11.2021.

2. The petitioners were working as Class V Assistant in the respective Municipalities. The next promotion to the petitioners was Class IV post as per Rule 7, of the Tamil Nadu Municipal General Service Rules. The petitioners were in the promotional panel in their respective units and due for promotion. The promotional panel was challenged in WP.No.35088 of 2019 and a status quo order was passed. Pursuant to the status quo order the promotional panel was kept in abeyance. As the employees in the promotional panel were not made parties in the said WP and as the promotions were stalled, the Class V employees in different units impleaded themselves in the WMP.No.10959 of 2019 and filed vacate stay petition. This Court by an order dated 10.02.2021, modified the interim order of status quo by giving effect to the promotion, on condition that all the



employees in the promotional panel shall give an affidavit of undertaking.

The petitioners 2 and 3 who were in the promotional panel submitted their individual affidavit of undertaking. The 2nd respondent issued promotion

orders to few employees in the panel and ignored the others who were in the promotional panel including the petitioner's herein. Aggrieved by the action of the 2nd respondent in not including the petitioners in the promotional panel, the petitioners submitted their individual representation to the respondents to consider them for promotion to the post of Class IV in the existing vacancies. As the respondents did not respond to the representations, the above writ petition was filed for the aforesaid relief.

3. When the matter was taken up for hearing, though the learned Government Advocate, appearing for the respondents on instructions submitted that the representations of the petitioners were considered and disposed of, no orders were produced. In contra, the the learned counsel for the petitioners submitted that the representations of the petitioners were not considered by the respondents till date.

4. Heard the learned counsel for the petitioners and the learned counsel for the respondents and perused the materials available on record.



WEB COPY

5. Under the facts and circumstances of the case, I am of the view that the writ petition can be disposed of with direction to the respondents to dispose of the petitioners representations, if not already disposed. Hence, a direction is issued to the respondents to consider the representations of the petitioners dated 22.10.2021, 26.10.2021 and 26.11.2021, if not already disposed, on merits and in accordance with law, and pass orders within a period of eight weeks from the date of receipt of a copy of this Order.

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

24.02.2025

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

tsh

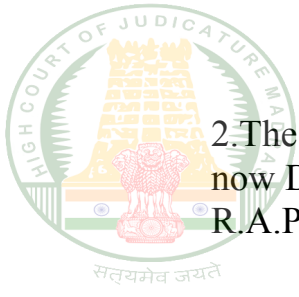
To

1.The Secretary to Government

Municipal Administration and Water Supply Department

Fort St.George,

Chennai – 9.



2. The Commissioner of Municipal Administration
now Director of Municipality Administration
R.A.Puram, Chennai.

W.P.No.3408 of 20



WEB COPY



WEB COPY

W.P.No.3408 of 2022



N. MALA, J.

tsh

W.P.No.3408 of 2022

24.02.2025