



Writ Petition No.21213 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 16.06.2025

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

Writ Petition No.21213 of 2015

R.Vasantha

...Petitioner

Vs

1.The Government of Tamil Nadu,
Rep by its Secretary,
Municipal Administration and Water
Supply Department,
Fort St.George,
Chennai – 600 009.
2.The Council,
Corporation of Chennai,
Ripon Buildings,
Chennai – 600 003.
3.The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Chennai – 600 003.
4.Dr.Guhanatham,
Health Officer,
Corporation of Chennai,
Ripon Buildings,
Chennai – 600 003.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of



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the 3rd respondent in his proceeding Po.Thu.Na.Ka.No.E2/16297/2015 dated 13.05.2015 and quash the same and consequently direct the respondents herein to pass an order of promotion to the petitioner as Chief Vector Control Officer with effect from 01.11.2009 with all monetary and other attendant benefits and treat the petitioner as retired in the post of Chief Vector Control Officer and pay pensionary benefits in the post of Chief Vector Control Officer with effect from 01.02.2012 with all monetary and other attendant benefits.

For Petitioners : Mr.K.Raja

For Respondents : Mr.S.Rajesh

Government Advocate for R1

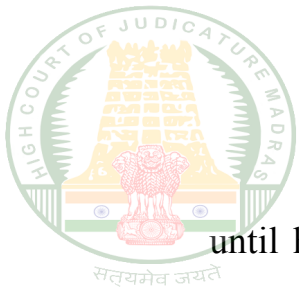
Mr.A.Arun Babu for R2 and R3

Standing counsel for Corporation

ORDER

This writ petition has been filed challenging the proceeding in Po.Thu.Na.Ka.No.E2/16297/2015, dated 13.05.2015 and thereby the request made by the petitioner for being promoted to the post of Chief Vector Control Officer w.e.f 01.11.2009 with all monetary and other attendant benefits was negated by the respondents.

2. It is the case of the petitioner that the post of Chief Vector Control Officer became vacant w.e.f 01.11.2009 and the petitioner was kept incharge of the said post and continued in the said post on incharge basis



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until her superannuation on 31.01.2012. However, after the retirement of the petitioner from service, the petitioner's junior viz., C.Kalai Amudha was promoted on regular basis to the said post on 26.02.2014 and drawing higher pension than the petitioner herein though she was junior of the petitioner. The petitioner also claims to have submitted a representation dated 08.04.2014 requesting retrospective promotion w.e.f 01.11.2009 and in terms of the order passed by this Court in W.P.No.28057 of 2014, dated 28.10.2014, the said representation was considered and rejected by passing the impugned order.

3. It is true that the petitioner held the post of Chief Vector Control Officer w.e.f 01.11.2009 and continued in the said post until her retirement from service on 31.01.2012. While the petitioner was in service, she never claimed for promotion to the said post. However, after the petitioner's retirement on 31.01.2012, and upon the post being held by one of her juniors, the petitioner submitted a representation dated 08.04.2014. Thus the claim made by the petitioner for promotion to the post of Chief Vector Control Officer is only after lapse of more than two years, from the date of superannuation of the petitioner.



4. The learned counsel appearing for the petitioner contended

that any vacancy in the post of Chief Vector Control Officer falling in Class-1B is required to be filled up within three months as per Chennai City Municipal Corporation Act 1919. However, the respondent failed to discharge statutory duty of filling up the post of Chief Vector Control Officer thereby affecting the interest of the petitioner. It may be true that in terms of section 87 of the Chennai City Municipal Corporation Act, 1919, duty is cast upon the respondents to fill up the said post.

5. A perusal of Section 87 discloses that whenever a vacancy occurs in any office included in Class-1B or Class-II or whenever a new office in Class 1-B or Class II is created, the council shall, within three months, appoint any qualified and suitable person to hold such office. But in case if there is any failure on the part of the council in filling up the post of Chief Vector Control Officer it is always open to the petitioner to take appropriate steps for filling the said post at the relevant point of time. The petitioner, however, failed to take any such steps. Moreover, the post was not left vacant but was instead held by the petitioner herself on an in-charge basis and whether the failure on the part of respondents in filling up the said



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post on regular basis would resulted in extending the benefit of retrospective promotion to the petitioner is doubtful. The petitioner failed to take any steps for filling up the said post at the relevant point of time and made a claim for such promotion from retrospective date after a lapse of more than two years since the date of her superannuation. Hence, this Court is of the view that the claim made by the petitioner is belated and cannot be entertained by this Court.

6. Accordingly, this writ petition is dismissed. No costs.

16.06.2025

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To
1.The Government of Tamil Nadu,
Rep by its Director,
Teachers Recruitment Board,
Chennai – 6.

2.The District Collector,
Collectorate, Villupuram District.

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MUMMINENI SUDHEER KUMAR, J.

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