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W.P.(MD) No.24062 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.24062 of 2022

Alexandar

... Petitioner

-VS-

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

2.The Commissioner
Nagercoil Corporation
Nagercoil
Kanniyakumari District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to promote the petitioner to next level posts from the post of Gardener notionally with all monetary benefits based on educational qualification and seniority of the petitioner.



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For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.A.Baskaran
Additional Government Pleader for R1
Mr.F.Deepak
Standing Counsel for R2

ORDER

This writ petition has been filed seeking for a mandamus to direct the respondents to promote the petitioner to the next level posts from the post of Gardener notionally with all monetary benefits, based on his educational qualification and seniority.

2. A counter affidavit has been filed by the second respondent before this Court denying the contentions of the petitioner.

3. According to the petitioner, he has been employed as a Gardener in the respondent – Municipality ever since 1984. Despite the same, he has not been granted any promotion, though the same was promised by the respondents earlier.



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4. The petitioner has retired from service in the year 2019. He has given representations to the respondents seeking for notional promotion. Since the same have not been considered, he has filed this writ petition.

5. Though the respondents have disputed the contentions of the petitioner and have also stated that the petitioner is not entitled for notional promotion as prayed for in this writ petition, this Court is of the considered view that since the earlier representations of the petitioner seeking for notional promotion were not considered by the respondents by passing final orders on those representations, this Court, without expressing any opinion on the merits of the petitioner's representations, is directing the respondents to consider the petitioner's representation to be submitted afresh seeking for notional promotion as prayed for in this writ petition.

6. No prejudice will be caused to the respondents, if such a direction is issued.

7. Since the earlier representations given by the petitioner seeking for notional promotion are old ones, this Court deems it fit to direct the



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petitioner to submit a fresh representation to the respondents seeking for notional promotion as prayed for in this writ petition and issue a direction to the respondents to consider the same on merits and in accordance with law and pass final orders.

8. Accordingly, this writ petition is disposed of by directing the petitioner to submit a fresh representation to the second respondent seeking for notional promotion to the next level posts from the post of Gardener notionally with all monetary benefits, based on his educational qualification and seniority, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation within the stipulated time, the second respondent shall pass final orders on merits and in accordance with law, within a period of twelve weeks thereafter. No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:
The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.



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ABDUL QUDDHOSE, J.

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