

(2003) 04 MAD CK 0070

In the Madras High Court

Case No : Writ Petition No. 4928 of 1998

P. Rajendran

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 04-04-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 04 MAD CK 0070

Hon'ble Judges : P.D. Dinakaran, J

Bench : Single Bench

Advocate : Geetha Priya, for the Appellant; M.S. Palanisamy, A.G.P. for first respondent and G. Sankaran, for respondents 2 and 3, for the Respondent

Final Decision : Dismissed

Judgement

P.D. Dinakaran, J.—The petitioner, who was working as a Wireman under the Salem Municipality, made a request to promote him as

Technical Assistant on the basis of his educational qualification, as required for the post of Technical Assistant under the Tamil Nadu Municipal

Corporations Engineer and Water Supply Sub Ordinate Service Rules, 1996, which, admittedly, is applicable to the servants in all the Municipal

Corporations.

2. It is not in dispute that when the petitioner joined service as Wireman in the Salem Municipality the next avenue of promotion was to the post of

Testing Assistant, but after the formation of Salem City Municipal Corporation, the services of the employees of the Corporation are governed

under the provisions of the Municipal Corporation Service Rules read with the Tamil Nadu Municipal Corporations Engineer and Water Supply

Sub Ordinate Service Rules, 1996. The category of the employees working in the

Municipal Corporations Engineer and Water Supply Sub

Ordinate Services were categorised as follows:

Class: III

Category 1 .. Junior Engineer

Category 2 .. Technical Assistant

Category 3 .. Skilled Assistant (Grade-I)

Category 4 .. Skilled Assistant (Grade-II)

Accordingly, the Wireman was equivalent to the post of Skilled Assistant (Grade-II) and the next avenue of promotion is Skilled Assistant (Grade-

I), then Technical Assistant and then Junior Engineer. It is, therefore, clear that the post of Testing Assistant found no place in the Tamil Nadu

Municipal Corporations Engineer and Water Supply Sub Ordinate Service Rules, 1996.

3. It is only under such circumstances, the request of the petitioner to promote him as Technical Assistant was rejected by the proceedings of the

third respondent dated 19.9.1997 and the proceedings of the second respondent dated 31.12.1997. Aggrieved by which, the petitioner had

preferred the above writ petition for issue of a writ of Certiorarified Mandamus to call for the records of the third respondent dated 19.9.1997 and

that of the second respondent dated 31.12.1997, quash the same, and to direct the respondents to promote the petitioner to the post of Technical

Assistant in the Salem City Municipal Corporation.

4. The only contention of learned counsel for the petitioner is that the post of Testing Assistant is equivalent to that of the Technical Assistant.

5. In my considered opinion, there is no provision under the Tamil Nadu Municipal Corporations Engineer and Water Supply Sub Ordinate

Service Rules, 1996 equating the post of Testing Assistant to the post of Technical Assistant. On the other hand, as already mentioned above,

there is an intermediate post, namely Skilled Assistant (Grade-I), between the Skilled Assistant (Grade-II)-the feeder post and the Technical

Assistant-the promotion post. This misreading of the Tamil Nadu Municipal Corporations Engineer and Water Supply Sub Ordinate Service Rules,

1996 by the petitioner cannot be appreciated in order to comply with his request for promotion to the post of Technical Assistant. The writ petition

fails and therefore, the same is dismissed. No costs.