

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2015

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.NO.10563 OF 2015

R.Sheik

..Petitioner

Vs

The Commissioner,
Kancheepuram Municipality,
Kancheepuram

.. Respondent

PRAYER: This Writ Petition has been filed under section 226 of the Constitution of India to issue an order of Writ of Mandamus, to direct the respondent to give postings to the petitioner at Kancheepuram Municipality and permit the petitioner to join duty.

For petitioner : Mr. S.Ilamvaludhi
For respondent : Mr.G.B.Rajesh

O R D E R

This Writ Petition is filed by Mr. R. Sheik, seeking for a direction to the Commissioner, Kancheepuram Municipality, the respondent herein, to permit him to join duty there.

2. Mr. S.Ilamvaludhi, learned counsel appearing for the petitioner would submit that he was transferred by the Commissioner, Kancheepuram Municipality from Kancheepuram to Chengalpattu Municipality. Aggrieved by the same, he filed W.P. No. 26974 of 2012. This Court dismissed his challenge by order dated 06.02.2013 making clear that the petitioner has failed to make out a case. Against the same, the petitioner filed Writ Appeal No. 537 of 2013. The Hon'ble Division Bench was pleased to pass an order stating that after joining at Chengalpattu, the petitioner has to make a representation for his transfer to Kancheepuram. Accordingly, the petitioner joined in the Chengalpattu Municipality on 22.04.2013. The Regional Director of Municipal Administration, Chengalpattu by proceedings in Na. Ka. No. 3570/2012/A3 dated 15.07.2013 relieved the petitioner from Chengalpattu and transferred him to Kancheepuram Municipality. When the said order was communicated to him he

approached the Commissioner, Kancheepuram Municipality on 17.07.2013 to give him postings. But the respondent had refused to give a consequential order to join his duty at Kancheepuram. Therefore, he has come to this Court.

3. Mr. G.B. Rajesh, learned counsel takes notice for the respondent. With the consent of both parties, the writ petition is taken up for disposal at the stage of admission itself.

4. When the petitioner, accepting his transfer order has approached the Commissioner, Kancheepuram Municipality on 17.07.2013, he should have been allowed to join duty. That apart, he has also given a representation seeking permission to join duty. Hence, this Court finds no justification in not permitting the petitioner to join duty in the place where he has been transferred. Therefore, the Writ Petition is disposed of, directing the respondent to give him posting order to join duty at Kancheepuram Municipality expeditiously, preferably within a period of two weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. No order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

avr

To
The Commissioner,
Kancheepuram Municipality,
Kancheepuram.

1 cc to Mr. S.Ilamvaludhi ,Advocate, SR.No.20481

2 cc to Mr.G.B.RAJESH ,Advocate, SR.No.20473

W.P.NO.10563 OF 2015

MSM(CO)
PMK.28.4.2015