

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.06.2015

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The Honourable Mr.Justice D.HARIPARANTHAMAN

W.P.No.10579 of 2015

S.Samuvel

... Petitioner

vs

1. The Commissioner
Corporation of Chennai
Chennai District.

2. The Commissioner
Corporation of Madurai
Madurai District.

3. The Secretary to Government
Municipal Administration and Water
Supply Department,
Secretariat, Chennai-9.

4. The Commissioner
Municipal Administration, Ezhilagam
Chepauk
Chennai-5.
(R-3 and R-4 Impleaded as per Order
dated 13/04/2015)

... Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India, seeking a writ of mandamus to direct the 2nd respondent to allocate the petitioner suitable post by a single window transfer from the 1st Respondent Office.

For Petitioner : Mr.S.Raja Ravi Varma

For respondents : Mr.G.R.Swaminathan (R2)

Mr.S.Gunasekaran, GA (R3, R4)
NA - R1

O R D E R

Heard the learned counsel for the petitioner, Mr.G.R.Swaminathan, learned counsel for the 2nd respondent and Mr.S.Gunasekaran, learned Government Advocate, appearing for respondents 3 and 4.

2.The petitioner has filed this writ petition seeking a direction to the 2nd respondent to allocate him a suitable post by single window transfer from the 1st Respondent's Office.

3. The case of the petitioner is that he is a physically challenged person with visually impaired disability. He joined the office of the 1st respondent as an employee on 14.07.1995. His native is Madurai. According to him, there is nobody to look after him in Chennai, hence, he sought for transfer from Chennai Corporation to Madurai Corporation, where his family is residing. The Chennai Corporation, made its recommendations on 30.04.2012 accepting his request and a copy of the said letter dated 30.04.2012 was sent to Madurai. The Government also sent a letter dated 31.07.2013 to the Commissioner for Municipal Administration to take appropriate action in the matter of transfer of the petitioner from Chennai Corporation to Madurai Corporation. Whiles, the Madurai Corporation took a stand that there is no vacancy for physically challenged persons. However, the Chennai Corporation pursued the matter and sent repeated letters to Madurai Corporation to take the petitioner as the employee of Madurai Corporation, in view of his disability.

4. When the matter was taken up for hearing on 13.04.2015, while ordering notice of motion, this Court had expressed its view that Madurai Corporation could not take such a technical plea, particularly when the Chennai Corporation had made recommendations for absorbing at Madurai and this Court also suo-motu impleaded the State of Tamil Nadu, represented by its Secretary, Municipal Administration and Water Supply Department and the Commissioner for Municipal Administration as party respondents.

5. Today, Mr.G.R.Swaminathan, learned counsel appearing for the Madurai Corporation has produced a letter dated 27.04.2015 of the Madurai Corporation recommending the appointment of the petitioner in the Engineering department as Telephone Operator.

6. The Government has already issued a letter dated 31.07.2013 in Letter No.17866/mana 4/2013-1, to the Commissioner for Municipal Administration to take appropriate action in the matter of transfer of the petitioner from Chennai Corporation to Madurai Corporation.

7. In view of the aforesaid letter dated 31.07.2013 of the Government, the Government could have no objection for accepting the recommendation of the Madurai Corporation.

8. In these circumstances, this writ petition is disposed of by directing the Government to pass an order approving the recommendation of the Madurai Corporation in letter No.Mani 23/026007/2014 dated 27.04.2015, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Post on 01.07.2015 for reporting compliance.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner
Corporation of Chennai
Chennai District.
2. The Commissioner
Corporation of Madurai
Madurai District.
3. The Secretary to Government
Municipal Administration and Water
Supply Department,
Secretariat, Chennai-9.
4. The Commissioner
Municipal Administration, Ezhilagam
Chepauk
Chennai-5.

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CTK(CO)
CA(04/06/2015)

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