

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29296 of 2015
and
M.P.Nos.1 and 2 of 2015

R.Silambarasan .. Petitioner

Vs

1.The Commissioner,
Corporation of Chennai,
Chennai - 3.

2.The Zonal Officer,
Public Health Department,
Zonal Office No.VI,
5, Anderson Road,
Ayanavaram, Chennai - 23.

3.The Zonal Officer,
Zonal Office No.VIII,
36-B, Pullah Avenue,
Shenoy Nagar, Chennai - 30.

.. Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of certiorarified mandamus to call for the records pertaining to the impugned order made in Z.O.6.Na.Ka.No.A7/4460/2015 dated 07.05.2015 passed by the second respondent, quash the same and consequently direct the respondents to accommodate the petitioner in the post of Cremator.

For Petitioners .. Mr.N.Manokaran

For Respondents .. Mr.G.Anantha Rangan

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that he was working as Cremator for the past two decades as it is the hereditary job and he has been asked to do work in different zone on contractual basis and the Corporation of Chennai, after taking into consideration his meritorious service, passed a resolution dated 28.05.2007 to regularise his services as Cremator and accordingly, his services have been regularised and time scale of pay has also been fixed.

3.It is stated by the petitioner that Corporation of Chennai took a policy decision to privatise the cremation work to third parties and accordingly, issued a circular dated 04.04.2014, in and by which, the petitioner was transferred from Zone-6, Division - 67, Ward No.15 to Zone No.8 and posted as an Office Assistant and challenging the legality of the same, came forward to file this writ petition.

4.Mr.N.Manokaran, learned counsel appearing for the petitioner would submit that all along the occupation of the petitioner was only a Cremator and he has become an expert in the said job and by posting him as an Office Assistant, his expertise cannot be put to use in the best interest of the Corporation of Chennai and prays for accommodation in any one of the burial grounds situated within the Corporation limits of Chennai as a Cremator.

5.Mr.G.Anantha Rangan, learned standing counsel, who accepts notice on behalf of the respondents, on instructions, would submit that in pursuance of the policy decision, decision has been taken to privatise the cremation work and the petitioner has been accommodated as an Office Assistant.

5.This Court has carefully considered the rival submissions and also perused the materials placed before it.

6.Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the petitioner to submit a representation to the second respondent within a period of two weeks from the date of receipt of a copy of this order and the second respondent, on receipt of the same, is directed to consider the said representation on merits and in accordance with law and pass orders within a further period of four weeks thereafter and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CSIII)
dt:30/9/2015

True Copy

Sub-Assistant Registrar

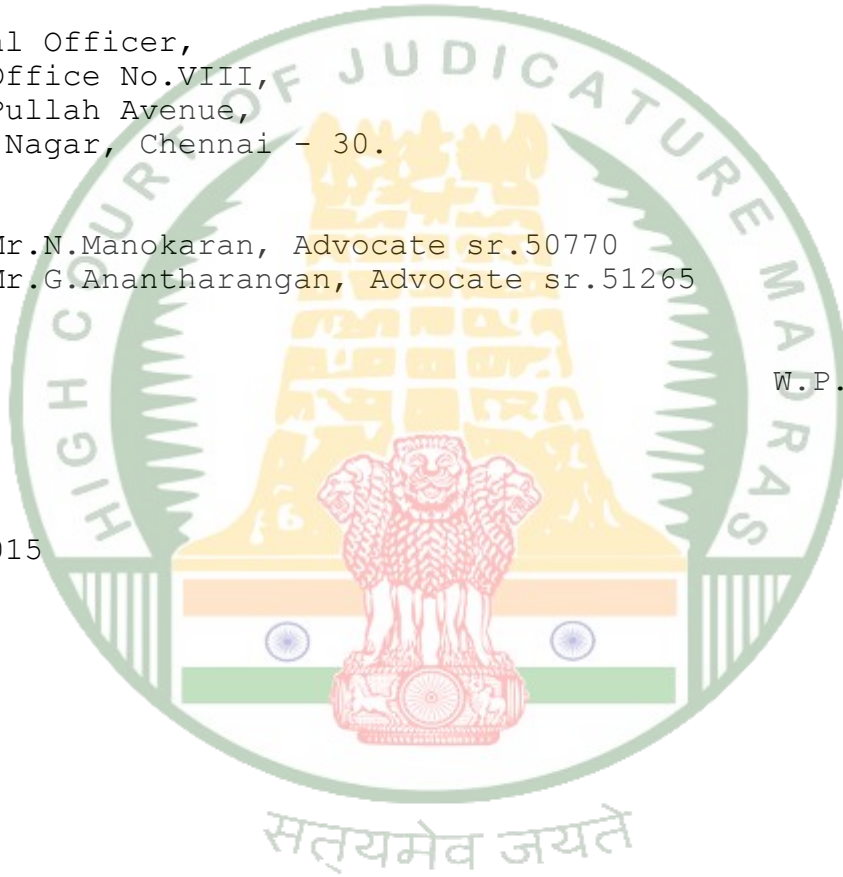
To

- 1.The Commissioner,
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+1 cc to Mr.N.Manokaran, Advocate sr.50770
+1 cc to Mr.G.Anantharangan, Advocate sr.51265

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aa05/10/2015



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