

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.370 of 2015 and  
M.P.No.1 of 2015

R.Manahavala Perumal

... Petitioner

vs.

1.State of Tamil Nadu,  
Rep. by its Secretary Municipal  
Administration and Water Supply Department,  
Fort St.George, Chennai - 600 009.

2.The Director of Municipal Administration,  
Ezhilagam, Annexe Building,  
Chepauk, Chennai - 600 005.

3.The Commissioner,  
Tirunelveli City Municipal Corporation,  
Tirunelveli-1.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified mandamus, to call for the order passed by the 2nd respondent in R.O.C.No.64964/2006/IT-1 dated 05.01.2015 and quash the same as null and void and consequently forbearing the 2nd respondent from relieving the petitioner pending consideration of the proceedings in ROC No.64964/2006-IT-1 dated 10.09.2011, 29.09.2011 and 13.12.2013 for absorbing the petitioner in permanent post in the 2nd respondent office.

For Petitioner : Ms.D.Geetha

For Respondents : Mr.S.Gunasekaran  
Government Advocate for R1 and R2  
Mr.P.H.Arvind Pandian  
Additional Advocate General  
Asst. by Ms.P.Rajalakshmi for R3

O R D E R

The petitioner was working as an Assistant in Tirunelveli Corporation viz., the third respondent herein. Thereafter, he was appointed as System Analyst in the 2nd respondent office on deputation basis. The deputation period expired on 05.02.2011. However, he has been allowed to continue in the post of System Analyst beyond the deputation period. While so, the second respondent passed the impugned order dated 05.01.2015 relieving the

petitioner from the office of the second respondent so as to join in the parent department. The petitioner has filed this writ petition to quash the aforesaid order dated 05.01.2015.

2. While ordering notice of motion, this Court granted interim stay. A counter affidavit is filed by the second respondent.

3. Heard both sides.

4. The petitioner sought permanent absorption in the office of the second respondent. The second respondent sent proposals to the first respondent Government for permanent absorption as well as for extension of deputation, in the mean time. But the Government, by Letter No.(2D) No.8, dated 02.02.2015 rejected the said proposal.

5. In view of the order passed by the Government, the second respondent has no option but to relieve the petitioner from the post of System Analyst. The petitioner has chosen to challenge the order of the second respondent. But there is subsequent order of the Government dated 02.02.2015 as stated above.

6. I am of the view that the petitioner as a matter of right cannot ask for absorption in the second respondent office as System Analyst, while he was sent on deputation from Tirunelveli Corporation. In Tirunelveli Corporation, he was working as Assistant. Hence, I am not inclined to interfere with the order dated 05.01.2015 of the second respondent, particularly, when the Government passed an order dated 02.02.2015 rejecting the proposal of the second respondent.

8. The writ petition fails and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

svki

To

1.State of Tamil Nadu,  
Secretary Municipal  
Administration and Water Supply Department,  
Fort St.George, Chennai - 600 009.

2.The Director of Municipal Administration,  
Ezhilagam, Annexe Building,  
Chepauk, Chennai - 600 005.

3.The Commissioner,  
Tirunelveli City Municipal Corporation,  
Tirunelveli -1.

1 cc to Ms.D.Geetha , Advocate Sr.No.27221/2015  
1 cc to Ms.P.Rajalakshmi , Advocate Sr.No.27662/2015  
1 cc to Government Pleader Sr.No.27185/15

W.P.No.370 of 2015

kgk(co)  
pmk.22.6.2015



WEB COPY