



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2015

CORAM :

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition (MD) No.2457 of 2015

and

M.P(MD)No.1 of 2015

N.Manonmani

... Petitioner

Vs.

1.The Commissioner of Municipal Administration,
O/o.the Commissioner of Municipal Administration,
Ezhilagam, Chepuk, Chennai 5.

2.The Commissioner of Madurai Corporation,
O/o.the Commissioner of Madurai Corporation,
Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the Respondent No.2 to post the petitioner in any non sensitive post commensurate with her previous posting within the time period stipulated by this Honourable Court.

For Petitioner : Mr.Aswin Raja Simman for
Mr.T.Lajapathi Roy

For 1st Respondent : Mr.M.Rajarajan, Government Advocate

For 2nd Respondent : Mr.J.Gunaseelan Muthiah,
Government Advocate.

ORDER

Heard the learned counsel appearing for the petitioner and Mr.M.Rajarajan, learned Government Advocate takes notice for the first respondent and Mr.J.Gunaseelan Muthiah, learned Government Advocate takes notice for the second respondent. By consent, the writ petition itself is taken up for final disposal at the admission stage.

2.The petitioner seeks for a Mandamus directing the second respondent to post him in any non sensitive post commensurate with her previous posting.



3. It is seen that the petitioner who was working as community organiser in the respondent corporation was placed under suspension on 26.03.2014. The petitioner already approached this Court by filing W.P.(MD)No.8626 of 2014 and sought for Mandamus directing the respondents to revoke the suspension. This Court by an order dated 10.06.2014 directed the respondents therein to consider the representation of the petitioner seeking for revocation and pass order on merits and in accordance with law. Thereafter, the petitioner filed representation on 14.02.2015 seeking for revocation of suspension. When such a representation is pending and the suspension is not revoked so far, I am of the view that the present prayer sought for in this writ petition is totally misconceived. Accordingly, this writ petition is disposed of only with a direction to the respondents to consider the representation of the petitioner dated 14.02.2015 and pass appropriate orders on the same, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is represented by the learned counsel for the petitioner that the subsistence allowance has not been paid so far. However, if it is not paid, the respondents shall pay subsistence allowance to the petitioner from the date of suspension without any further delay. No costs. Consequently, M.P (MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(A.S.,)

/True Copy/

Sub-Assistant Registrar

To

1.The Commissioner of Municipal Administration,
O/o.the Commissioner of Municipal Administration,
Ezhilagam, Chepuk, Chennai 5.

2.The Commissioner of Madurai Corporation,
O/o.the Commissioner of Madurai Corporation, Madurai.

+1cc to Mr.T.Lajapathi Roy, Advocate, in SR. No.9098/2015.

+1cc to Mr.J.Gunaseelan Muthiah, Advocate, in SR. No.8696/2015.

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25.02.2015

sms

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