

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2017

CORAM

THE HONOURABLE MR.JUSTICE.T.RAJA

W.P.Nos.8426 to 8428 of 2017
and W.M.P.Nos.9223 to 9225 of 2017

A.Antony Jose .. Petitioner in W.P.No.8426 of 2017
C.Rajendran .. Petitioner in W.P.No.8427 of 2017
V.Jayanthi ..Petitioner in W.P.No.8428 of 2017

Vs.

1.The Commissioner of Municipal Administration
Chepauk, Chennai-600 005.

2.The Commissioner
Tambaram Municipality
Tambaram.

.. Respondents in
all the WPs.

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the first respondent not to transfer the petitioner to any other Municipality, in accordance with the provisions under Rule 10 of the Tamil Nadu Municipal Town Planning Service Rules 1970 and also in the light of the proposal of the Government for upgrading the Tambaram Municipality as Tambaram Corporation issued by the Government in Letter No.2274/Election/2017-1, MAWS Department dated 07.02.2017.

For Petitioner : Mr.T.Ranganathan
in all the petitions

For R1 in all the petitions : Mr.T.M.Pappiah, Spl.G.P.

For R2 in all the petitions : Mr.P.Srinivas

COMMON ORDER

Writ Petitions have been filed for issuance of a writ of Mandamus directing the first respondent not to transfer the petitioners to any other Municipality, in accordance with the provisions under Rule 10 of the Tamil Nadu Municipal Town Planning Service Rules 1970 and also in the light of the proposal of the Government for upgrading the Tambaram Municipality as Tambaram Corporation issued by the Government in Letter No.2274/Election/2017-1, MAWS Department dated 07.02.2017.

2. The case of the petitioners is that they are working as Town Planning Inspectors in Tambaram Municipality. The Government has taken a policy decision to upgrade Tambaram, Avadi and Pallavaram Municipalities as Municipal Corporations. Based on the said policy decision and after obtaining the proposals in respect of Avadi and Pallavaram Municipalities for upgradation, the first respondent had started the process of transferring the existing employees in Tambaram, Pallavaram and Avadi Municipalities to some other Municipalities, which is against the provisions under Rule 10 of the Tamil Nadu Municipal Town Planning Service Rules, 1970. Therefore, the petitioners have come forward with the present writ petitions with an apprehension that they might be transferred from the present unit to any other unit.

3. Heard the learned counsel for the petitioners. Mr.T.M.Pappiah, learned Special Government Pleader, takes notice on behalf of the first respondent. Mr.P.Srinivas, learned Standing Counsel, takes notice on behalf of the second respondent.

4. The apprehension of the petitioners is that they might be transferred from the present unit to any other unit as per the policy decision taken by the Government for upgradation of Tambaram, Avadi and Pallavaram Municipalities as Municipal Corporations, which is contravening the provisions under Rule 10 of the Tamil Nadu Municipal Town Planning Service Rules, 1970. The reason is that if some employees are going to be transferred from one unit to another unit, the petitioners cannot come to this Court on the ground that the respondents are going to transfer them also. Therefore, this Court is not inclined to entertain the writ petitions based on some surmises and conjectures without any order

being passed against the petitioners. Accordingly, the Writ Petitions fail and they are dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

1.The Commissioner of Municipal Administration
Chepauk, Chennai-600 005.

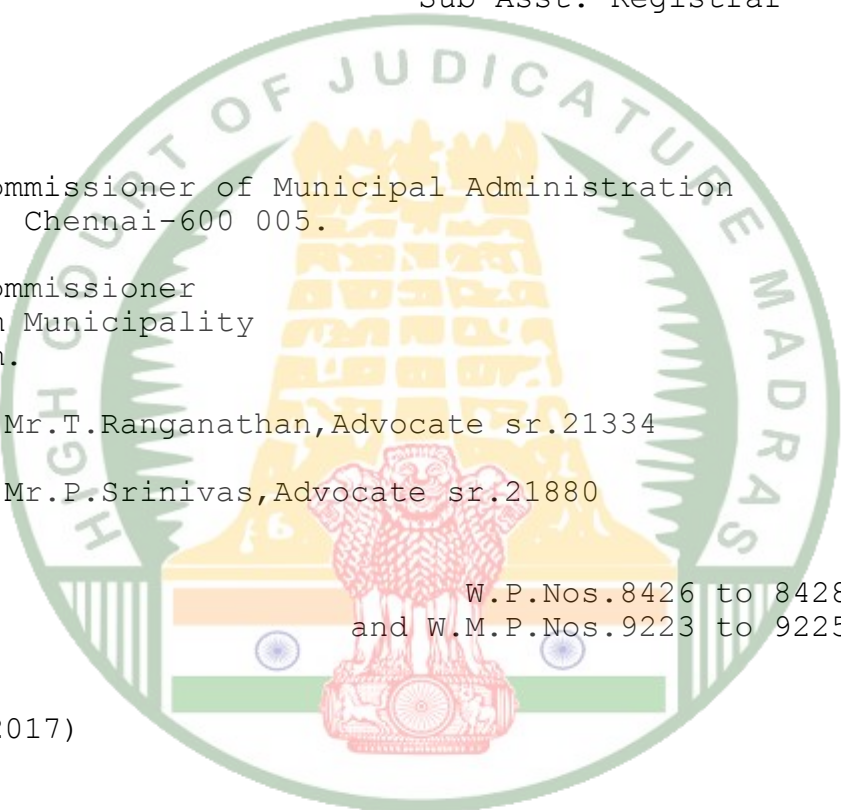
2.The Commissioner
Tambaram Municipality
Tambaram.

+1cc to Mr.T.Ranganathan,Advocate sr.21334

+1cc to Mr.P.Srinivas,Advocate sr.21880

W.P.Nos.8426 to 8428 of 2017
and W.M.P.Nos.9223 to 9225 of 2017

pa(co)
ss(8/5/2017)



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