

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.10.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10203 of 2013

and

M.P.No.1 of 2013

Mr.Jeyachandran

..Petitioner

vs

1.The Commissioner,
Coimbatore Corporation,
Coimbatore.

2.The Assistant Commissioner,
North Zone,
Corporation of Coimbatore,
Coimbatore.

3.The Director of Family Welfare,
No.359, Anna Salai,
Chennai - 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to engage the petitioner as computer cum clerk in the Family Welfare Scheme of the Respondent Corporation as per the appointment order dated 16.07.2009 and grant such other further relief as this Hon'ble Court may deem fit in the circumstance of the case and thus render justice.

For Petitioner : Mr.S.Gopinathan

For Respondents : Mr.J.Sathyanarayana Prasad
for R1 & R2

M/s.A.Shrijayanthi, Spl GP for R3

O R D E R

The relief sought for in this writ petition is for a direction to direct the 1st respondent to engage the petitioner as computer cum clerk in the Family Welfare Scheme of the Respondent Corporation as per the appointment order dated

16.07.2009 and grant such other further relief.

2.The petitioner claims that he was appointed as Computer cum Clerk in the Family Welfare Scheme of the respondent Corporation as per the appointment order dated 16.07.2009. Initially, the writ petitioner was appointed as Laboratory Assistant (trainee) in the Tamil Nadu Textile Corporation and after completion of probation, the services of the writ petitioner was regularized in the said Post. On account of administrative reasons, the Tamil Nadu Textile Corporation implemented the Special Voluntary Retirement Scheme in the year 2000. Thus, the writ petitioner made a representation for redeployment of the employees to some other Government establishments. Accordingly, the writ petitioner was engaged as Computer cum Clerk in the respondent Corporation.

3.The learned counsel for the respondents 1 and 2 made a submission that the writ petitioner is allowed to continue in the Post of Bill Collector as of now and there is no variations in respect of the Scale of pay and the service benefits being granted to the writ petitioner. The writ petitioner is now allowed to work as a Bill Collector, considering the volume of work involved in the Corporation in respect of the collection of property tax and other revenues. Therefore, the service conditions of the writ petitioner has not been altered and the salary and other perquisites are being paid as per the terms and conditions of the appointment. Whenever the work of Computer cum Clerk is required, the services of the writ petitioner will be engaged and it will be only an internal arrangement, from and out of which, the service conditions of the writ petitioner has not been affected.

4.This Court is of an opinion that the writ petitioner being a public servant has to perform the duties and responsibilities allotted to him. Considering the volume and quantum of work, the higher officials allot works to the employees. However, the post of Bill Collector, is not lesser than the cadre of Computer cum Clerk. When the posts are equal and the scale of pay is also same, the writ petitioner cannot be construed as aggrieved person. The writ petitioner cannot choose the post as he has no right in respect of such administrative decisions taken by the competent authorities.

5.This being the principles to be followed, this Court is of an opinion that the writ petitioner is not aggrieved from and out of the actions taken by the respondents, allowing him to perform the duties and responsibilities of the Bill Collector for the time being.

6.With these observations, the writ petition stands

dismissed. However, there shall be no order as to costs.
Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CCC)

//True copy//

Sub Assistant Registrar

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To

- 1.The Commissioner,
Coimbatore Corporation,
Coimbatore.
- 2.The Assistant Commissioner,
North Zone,
Corporation of Coimbatore,
Coimbatore.
- 3.The Director of Family Welfare,
No.359, Anna Salai,
Chennai - 600 006.

+1cc to Mr.J.Sathya Narayana Prasad, Advocate SR.No.72308

W.P.No.10203 of 2013

GJII (CO)

GMV (13/11/2018)



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