



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2018

CORAM:

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THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.A.(MD).No.483 of 2018

and

C.M.P.(MD)Nos.2892 and 2893 of 2018

A.Duraipandi ... Appellant/Petitioner

Vs.

1.The Director of
Municipal Administration,
Chennai.

2.The Zonal Director of Municipal Administration
Madurai.

3.The Commissioner
Usilampatti Municipality,
Usilampatti
Madurai District

... Respondents/Respondents

PRAYER:This appeal is filed under Clause 15 of the Letters Patent, against the order of this Court dated 07.02.2018 in W.P.(MD).No.7256 of 2012.

Prayer in WP(MD). 7256/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.1274/2012/Si 1 dated 10/5/12 on the file of the Respondent No.3 and quash the same as illegal and consequently to direct the Respondents to absorb the petitioner in the post of Revenue Assistant in the 3rd Respondent Municipality .



For Appellant
For Respondents

: Mr.T.Lajapathi Roy
: Mr.V.R.Shanmuganathan
Spl. Government Pleader

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JUDGMENT

(Judgment of this Court was delivered by T.S.SIVAGNANAM, J)

Heard Mr.T.Lajapathi Roy, learned counsel appearing for the appellant and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents.

2.This appeal is directed against the order in W.P.(MD) No.7256/2012 dated 07.02.2018. The appellant filed the writ petition challenging the order dated 10.05.2012 and for a consequential direction to direct the respondents to absorb the appellant in the post of Revenue Assistant in the third respondent Municipality.

3.The case of the appellant was largely based upon the communication sent by the Commissioner to six persons, as a part of collection drive to collect the water tax and charges. By the said proceedings, dated 01.04.2010, the Commissioner warned the officers that if they do not effect 100% collection of water tax and charges, they are liable for disciplinary action. The appellant's name finds place in S.No.5 in the tabulated statement in the proceedings dated 01.04.2010 and the appellant was in-charge to collection of water tax and charges in Ward Nos.18,13,22,23 and 24. The appellant would state that on account of this order, he has been posted as Revenue Assistant and therefore, he should be permitted to continue in the said post. The said contention raised by the appellant is not tenable for the reason that the appellant was only working as a Driver and at no point of time, appointed as Revenue Assistant. Even the proceedings, dated 01.04.2010, describes him as Revenue Assistant (In-charge). By the proceedings dated 10.05.2012, which was impugned in the writ petition, the third respondent has clearly stated that there is no vacancy in the post of Revenue Assistant and it has been filled up. In any event, the appellant, who claimed that he is entitled to be posted as Revenue Assistant, should show an order of appointment to the said effect, which the appellant miserably failed to produce. Therefore, the writ Court was perfectly justified in rejecting the relief sought for and dismissed the writ petition. Hence, no grounds are made out to interfere with the order passed by the writ Court. However, if the Rule permits, the appellant can make a request for considering his name for any other post, commensurate with his qualifications in the respondent Municipality, which can be considered, strictly, in accordance with the relevant Rules/Regulations.



4. With the above observations, the writ appeal is dismissed.
No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-
Assistant Registrar (RTI)

Sub-Assistant Registrar

To

1.The Director of
Municipal Administration,
Chennai.

2.The Zonal Director of Municipal Administration
Madurai.

3.The Commissioner
Usilampatti Municipality,
Usilampatti
Madurai District

+One cc to The Special Government Pleader, SR.No.57609

+One cc to M/s.T.Lajapathi Roy, Advocate, SR.No.57400

RR
RL/6c/3p/CVC/SAR1/5/4/2018

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