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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A. [MD] .No.732 of 2018

and

C.M.P. (MD) .No.4304 of 2018

The Commissioner,
Madurai Corporation,
Arignar Anna Maligai, Madurai. : Appellant

Vs.

- 1.Andi
- 2.The Director of Town Panchayats,
Kuralakam, Chennai.
- 3.The Secretary to Government,
Municipal Administration and Water Supply,
Secretariat, Chennai 9. : Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 23.03.2018 made in W.P.(MD).No.2544 of 2018, on the file of this Court.

Prayer in WP(MD) . 2544/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to reinstate petitioner either in the 2nd respondent office by the 2nd Respondent or in any town Panchayat in Madurai District by the 1st Respondent within time stipulated by this court and consequently directing the respondents to pay the back wages.

For Appellant : Mr.R.Murali

Standing Counsel

For respondent No.1 : Mr.RM.Arun Swaminathan

For Respondent Nos.2&3 : Mr.N.Shanmugaselvam

Additional Government Pleader



JUDGMENT

[Judgment of the Court was delivered by M.M.SUNDRESH, J.]

This Writ Appeal has been filed by the appellant, who is the second respondent before the learned Single Judge, being aggrieved over the order dated 23.03.2018 made in W.P.(MD).No.2544 of 2018, by which it was directed to reinstate the first respondent/writ petitioner in service forthwith. Insofar as the question of back wages is concerned, the Secretary to Government, Municipal Administration and Water Supply, Secretariat, Chennai 9, the second respondent herein, was directed to look into the same.

2. The facts of the case are not in dispute. The first respondent/writ petitioner was running from pillar to post, even after the orders were passed by the learned Single Judge of this Court in W.P.No.5870 of 2002, for nearly two decades. It appears that the erstwhile panchayat got merged with the appellant in the year 2011 and at that point of time, three employees working in the erstwhile panchayat were absorbed. Unfortunately, though the first respondent/writ petitioner obtained order in his favour, he was not asked to express his option. That is the reason why, the first respondent/writ petitioner once again approached this Court.

3. In such view of the matter, we do not find any error in the order passed by the learned Single Judge warranting interference at the hands of this Court. Hence, the Writ Appeal is dismissed. However, we direct the appellant to implement the order passed by the learned Single Judge within a period of four weeks from the date of receipt of a copy of this Judgment. The first respondent/writ petitioner is at liberty to give a fresh representation to the Secretary to Government, Municipal Administration and Water Supply, Secretariat, Chennai 9, the second respondent herein, within a period of four weeks from the date of receipt of a copy of this Judgment. As and when such representation is received, the said authority will have to take a decision to comply with the order passed by the learned Single Judge within a further period of eight weeks from the date of receipt of a copy of this Judgment. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub Assistant Registrar(CS-II)



1. The Commissioner,
Madurai Corporation,
Arignar Anna Maligai, Madurai.
2. The Director of Town Panchayats,
Kuralakam, Chennai.
3. The Secretary to Government,
Municipal Administration and Water Supply,
Secretariat, Chennai 9.

+1cc to Mr.R.Murali, Advocate in SR No.83787
+1cc to Spl Government Pleader SR No.84043

W.A. [MD].No.732 of 2018

NM/RSK/SAR 2/27.09.2018/3P/6C