



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD) No.17287 of 2018

and

W.M.P.(MD) Nos.15225 and 15226 of 2018

Asan Banu

... Petitioner

Vs.The Commissioner,
Madurai Corporation,
Madurai.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the respondent in Ma.Ni.1/Ma/Ni.10/5046/2013, dated 25.07.2018, quash the same in respect of the petitioner is concerned and consequently directing the respondent to retain the petitioner in the present working place i.e., Zone No.I of Madurai Corporation.

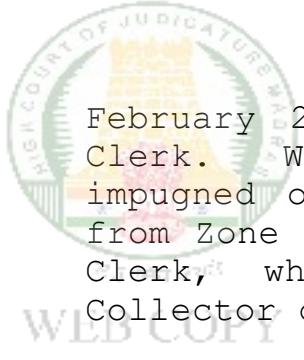
For Petitioner	: Mr.K.Mahendran
For Respondent	: Mr.R.Murlai
	Standing Counsel

ORDER

The prayer sought for herein is for a writ of certiorarified mandamus, calling for the records relating to the impugned order of the respondent in Ma.Ni.1/Ma/Ni.10/5046/2013, dated 25.07.2018, quash the same in respect of the petitioner is concerned and consequently directing the respondent to retain the petitioner in the present working place i.e., Zone No.I of Madurai Corporation.

2.Heard Mr.K.Mahendran, learned counsel for the petitioner and Mr.R.Murali, learned Standing counsel for the respondent Corporation.

<https://hcservices.ecourts.gov.in/hcservices/> The learned counsel appearing for the petitioner would submit that, after long struggle, the petitioner had been promoted from the post of Mazdoor to the post of Record Clerk only in



February 2015 and she has been posted at Zone No.I as Record Clerk. While so, all of a sudden, along with others in the impugned order of transfer, the petitioner has been transferred from Zone No.I as Record Clerk and posted at Ward No.16 as Record Clerk, where, other connected ancillary works, like, Bill Collector duty etc. have to be undertaken by the petitioner.

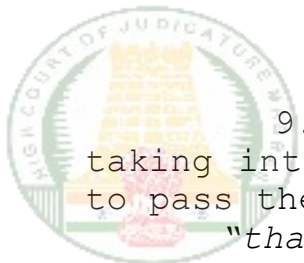
4.The learned counsel appearing for the petitioner would submit that, the petitioner has suffered with spondylitis and she is a widow and uterus has already been removed and because of her health condition, she is not able to walk long distance, that too consistently, the job now entrusted to the petitioner, even though styled as a Record Clerk, other allied job as Bill Collector has to be undertaken by her, for which, the entire ward area has to be rounded by the petitioner, for which, her health condition may not permit. Therefore, on the health reasons, the petitioner wanted to cancel the said transfer and posting and hence, she sought for retaining her in the present place. Therefore, she has given a representation dated 27.07.2018 to the respondent Corporation.

5.In this regard, the learned counsel appearing for the petitioner would submit that if the said request made by the petitioner is considered on health grounds by the respondent Corporation and an order to that effect is passed, the petitioner would confine the prayer of the writ petition only to that effect.

6.I have heard Mr.R.Murali, learned Standing Counsel, appearing for the respondent Corporation, who would submit that, in Zone No.I, where the petitioner has already been working, within which, the Ward No.16 also comes and the petitioner residence is also located in Zone No.I, therefore, by virtue of the new posting through the impugned order, the petitioner has not been posted at any far off place. However, insofar as the health reasons projected by the petitioner in her representation dated 27.07.2018, the same would be considered by the respondent Corporation and a decision to that effect would be taken.

7.I have heard the said submission made by both sides and also perused the materials placed before this Court.

8.No doubt, the petitioner has not been posted/transferred to any far off place. However, insofar as the health condition of the petitioner is concerned, she has produced some documents before this Court, which, prima facie, discloses that the petitioner is suffering from various diseases and she is also a widow and looking after the family, therefore, taking a long walk for collecting tax from the entire Ward leads, to, some extent, prejudicial to the health condition of the petitioner and therefore, in this regard, some lenient view can be taken by the respondent Corporation.



9. Considering the said position of the petitioner and by taking into account the overall situation, this Court is inclined to pass the following order:-

"that the respondent Corporation is directed to consider the representation of the petitioner, dated 27.07.2018 for retaining in the present place by taking into account the health condition of the petitioner. In this regard, it is open to the petitioner to submit the medical documents further in support of her claim about her health condition to the respondent Corporation and on considering the same, the respondent Corporation shall take a decision for retaining the petitioner at the present place, only on the basis of the health condition of the petitioner and such decision can be taken by the respondent Corporation within a period of four weeks from the date of receipt of a copy of this order. Till such decision is taken, the petitioner, since claimed that she is working at the present place, need not be disturbed from the present place i.e., Record Clerk at Zone No.I."

10. With these observations and directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-I)

To

The Commissioner,
Madurai Corporation,
Madurai.

+ 1 CC TO Mr.K.MAHENDRAN, ADVOCATE IN SR No. 76678

+ 1 CC TO Mr.R.MURALI, ADVOCATE IN SR No. 77237

RMI

TE/RP/SAR-1 : 06/08/2018 : 3P/4C

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