



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.19536 of 2018

R.Raghunathan,
Son of Rajendran,
Revenue Assistant,
Ottanchatram Municipality,
Dindigul District.

.. Petitioner

Vs.

1.The Principal Secretary,
Department of Municipal Administration and
Drinking Water Supply,
Secretariat,
Chennai.

2.The Director,
Town Panchayats,
Kuralagam,
Chennai.

3.The Commissioner,
Office of the Commissioner,
Ottanchatram Municipality,
Dindigul District.

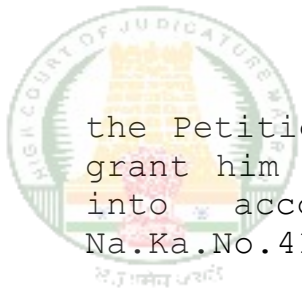
.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents 1 and 2 to relieve the Petitioner from the second respondent's Municipality and transfer the Petitioner to any of the Town Panchayat Posts and subsequently grant him all the service benefits including promotion by taking into account the third respondent's communication in Na.Ka.No.41/2009/gpl, dated 11.09.2012

For Petitioner	:	Mr.A.Rajini
For Respondents	:	Mr.R.Sethuraman
1 to 3		Special Govt.Pleader

O R D E R

This Writ Petition has been filed, for issuance of a writ of mandamus, directing the respondents 1 and 2 to relieve the Petitioner from the second respondent's Municipality and transfer



the Petitioner to any of the Town Panchayat Posts and subsequently grant him all the service benefits including promotion by taking into account the third respondent's communication in Na.Ka.No.41/2009/gpl, dated 11.09.2012

2.Mr.R.Sethuraman, learned Special Government Pleader takes notice for the respondents 1 to 3. By consent of both parties, the main Writ Petition itself is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that the Petitioner joined as Bill Collector in Chitthaiyankottai Town Panchayat and lastly, while working in Ottanchatram Town Panchayat, the same was upgraded as Municipality. Hence the respondents 2 and 3 sought for letter of consent from among the staff members to work in the Municipality. But the Petitioner has expressed his desire to work only in the Town Panchayat as Bill Collector. Accordingly, the third respondent through his proceedings, dated 11.09.2012 sought permission of the second respondent to relive the Petitioner to join in any one of the Town Panchayats from Municipal Staff. In this regard, the Petitioner has submitted representations on 30.4.2015 and 1.8.2018 to the third respondent. Since the said representations did not evoke any response, the petitioner is before this Court with the relief stated supra.

4. The learned Additional Government Pleader appearing for the respondents would submit that it is agreeable for the respondents to consider the representations of the petitioner within the time stipulated by this Court.

5.In view of the submission, the respondent concerned is directed to consider the representations of the petitioner, dated 30.4.2015 and 1.8.2018 taking note of the communication of the second respondent dated 11.09.2012 and to pass appropriate orders on the same in accordance with the rules, after affording an opportunity of hearing to the Petitioner and other interested parties, if any, within a period of two months from the date of receipt of a copy of this order, if there is no impediment to do so. It is also not a bar to consider the delay aspect by the authorities concerned while considering the request of the Petitioner.

6.With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //



To:

1.The Principal Secretary,
Department of Municipal Administration and
Drinking Water Supply,
Secretariat,
Chennai.

2.The Director,
Town Panchayats,
Kuralagam,
Chennai.

3.The Commissioner,
Office of the Commissioner,
Ottanchatram Municipality,
Dindigul District.

+1cc to Special Government Pleader Sr.No.83676.

+1cc to Mr.A.Rajini, Advocate, Sr.No.83442.

W.P. (MD) No.19536 of 2018
10.09.2017

vsn

RAM-NM/RP/SAR 1/05.12.2018/3P/6C