



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.19218 of 2013

and

M.P. (MD) No.1 of 2013

J.Alagarsamy

... Petitioner

-Vs-

1. The Secretary to the Government
Department of Municipal Administration and
Water Supply, Fort. St. George,
Chennai-600 009.

2. The Commissioner,
Department of Municipal Administration,
Cheupak, Chennai-600 005.

3. The Regional Director,
Department of Municipal Administration,
Tirunelveli Region, Tirunelveli.

4. The Commissioner,
Rajapalayam Municipality,
Rajapalayam, Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to implement the Resolution No.16 passed by the 4th respondent dated 14.01.2003 and consequently direct the respondents to promote the petitioner to the post of Revenue Assistant with all necessary attendant and monetary benefits to the petitioner.

For Petitioner : Mr.C.Jegannathan
for M/s.Veera Kathiravan

For Respondents : Mr.M.Jeyakumar
Additional Government Pleader
(for R-1 to R-3)

Mr.N.Dilipkumar (for R-4)

**ORDER**

The relief sought for in the present writ petition is for a direction to the respondent to implement the Resolution No.16, passed by the 4th respondent, dated 14.01.2003 and consequently, direct the respondents to promote the writ petitioner to the post of Revenue Assistant with all necessary monetary benefits.

2.The learned counsel appearing on behalf of the writ petitioner states that writ petitioner was appointed in Rajapalayam Municipality in the post of Lineman. The Rajapalayam Municipality has taken a policy decision to outsource the maintenance of street lights and other amenities within their jurisdiction. Consequently, a resolution was passed. In view of the fact that the resolution was not implemented, the petitioner was constrained to move the present writ petition.

3.The learned counsel appearing on behalf of the fourth respondent / Rajapalayam Municipality made a submission that in respect of those employees who are likely to lose their jobs on account of privatization of the maintenance of street light works were transferred to Srivilliputhur Municipality. As far as the writ petitioner is concerned, he was accommodated as Lineman in Srivilliputhur Municipality and he is working in the said Municipality as of now. The said decision is also explained in paragraph-H of the counter affidavit which is extracted hereunder:-

"..H.The Regional Director of Municipal Administration vide order dated 21.07.2008 in Na.Ka.No.4087 of 2008/M passed orders transferring petitioner in the post of Lineman from out Rajapalayam Municipality to Srivilliputhur Municipality upon his request. Accordingly the petitioner had been transferred to Srivilliputhur Municipality in the post of Lineman..."

4.The learned counsel for the writ petitioner states that in Srivilliputhur Municipality also, the writ petitioner is not having adequate work. However, these are all the aspects, which are to be considered by the competent authority. The availability of work, extraction of work, allotment of duties and responsibilities are the administrative prerogative of the authorities competent and the Court cannot interfere with. However, the fact remains that the writ petitioner had already been transferred to Srivilliputhur Municipality and is working as Lineman and receiving the salary. This being the factum, the writ petitioner is at liberty to redress his grievances, if any exists by approaching the competent authority in the manner known to law.



5. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary to the Government
Department of Municipal Administration and
Water Supply, Fort. St. George,
Chennai-600 009.

2. The Commissioner,
Department of Municipal Administration,
Cheupak, Chennai-600 005.

3. The Regional Director,
Department of Municipal Administration,
Tirunelveli Region, Tirunelveli.

+1 CC to M/s. SPL GP (SR-78477[F] dated 30/07/2019)

+1 CC to M/s. VEERA ASSOCIATES, Advocate (SR-78580[F] dated
30/07/2019)

+1 CC to M/s. N. DILIP KUMAR, Advocate (SR-78566[F] dated
30/07/2019)

W.P. (MD) .No.19218 of 2013
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sjj

JMN (09.08.2019) 3P : 7C