



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.19982 of 2019

and

W.M.P(MD)Nos.16502 & 16504 of 2019

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P.S.Sundaramahalingam

... Petitioner

vs.

1.The Commissioner of Municipal Administration,
Chepauk,
Chennai - 28.

2.The Commissioner,
Srivilliputhur Municipality,
Srivilliputhur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records relating to the proceedings of the first respondent made in Na.Ka.No.2785/2019/K2, dated 07.03.2019 and the consequential order of the second respondent made in Na.Ka.No.1309/2019/C1 dated 07.03.2019 and quash the same.

For Petitioner : Mr.M.Suresh Kumar

For Respondents : Mr.C.M.Mari Chelliah Prabhu,
Additional Government Pleader.

ORDER

This Writ Petition is filed seeking for a Writ of Certiorari, to quash the proceedings of the first respondent made in Na.Ka.No.2785/2019/K2, dated 07.03.2019 and the consequential order of the second respondent made in Na.Ka.No.1309/2019/C1 dated 07.03.2019.

2.Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader accepts notice on behalf of the respondents.

3.By consent of both parties, the main Writ Petition is taken up for final disposal at the stage of admission itself.

4.The petitioner is working as a Revenue Assistant in Srivilliputhur Municipality. After his initial appointment at



Aruppukottai Municipality, he was transferred to Srivilliputhur Municipality on 31.08.2016. By the impugned order of the first respondent, the petitioner was transferred from Srivilliputhur Municipality to Cuddalore Municipality.

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5. According to the petitioner, there is no provision for transferring the last grade employee from one Municipality to another Municipality. The petitioner was transferred by the first respondent by invoking Rule 31(C) of the Tamil Nadu Municipal Services Rules, 1970. The said Rule is not applicable to the petitioner and the same is applicable only to Class I and Class II category employees. The petitioner was transferred only on the ground that one of his family members is actively involved in politics. There are already three vacancies in Srivilliputhur Municipality itself and there is no necessity to transfer the petitioner from Srivilliputhur Municipality to Cuddalore Municipality. The order of transfer is not valid and prayed for setting aside the impugned order.

6. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

7. From the materials available on record, it is seen that the petitioner is transferred by the impugned order dated 07.03.2019 from Srivilliputhur Municipality to Cuddalore Municipality. According to the petitioner, he was already relieved, but he has not joined duty at the transferred place. From the perusal of the impugned order, it is further seen that the order of transfer is dated 07.03.2019 and the same is due to administrative reason and the petitioner admits that he has been relieved by the Commissioner of Srivilliputhur Municipality. Even though the petitioner was relieved, he has challenged the order of transfer only after six months without joining duty at the transferred place.

8. For the above stated reasons, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)



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To

1.The Commissioner of Municipal Administration,
Chepauk,
Chennai - 28.

2.The Commissioner,
Srivilliputhur Municipality,
Srivilliputhur.

+1 CC to M/s.SPL GP (SR-87955[F] dated 19/09/2019)

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18.09.2019

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