

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 31.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 30056 OF 2013

and

M.P.No.1 of 2013

C.V.Rajan

.. Petitioner

- Vs -

1.The Commissioner of Municipal Administration,
Chepauk, Chennai 600005.

2.The Commissioner,
Tambaram Municipality,
Tambaram, Chennai 45

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the second respondent to include the petitioner's name in the Circular issued in Na.Ka.No.134/12/H2 dated 30.01.2013, passed by the second respondent and appoint the petitioner as Driver in any one of the Municipalities which was mentioned in the Circular.

For Petitioner : M/S.S.Ilamvaludhi

For Respondents: Mr. A.N.Thambidurai, Spl.G.P. For R1
:M/S.P.Srinivas for R2.

सत्यमेव जयते
ORDER

According to the petitioner, the petitioner joined service in the year 1999 as Sanitary Worker and subsequently, his services were regularised in the year 2007 and he is continuously working in the permanent post. The grievance of the petitioner is that though he was appointed as Sanitary Worker, however he was asked to work as a Driver and till date he is working as driver. In the meanwhile, the Alandur Municipality was merged with corporation and it was assigned as Alandur Zonal Office and further, the petitioner along with several persons were asked to give option, whether they intend to remain in the corporation or intend to go to the parent municipality. Accordingly several persons exercised their option and the

petitioner also exercised his option. However, vide representation on 16.02.2012 to the Commissioner of Municipal Administration, the petitioner sought to withdraw his option, which was given earlier on 20.12.2011 to remain in the Municipality. Even before the expiry of the period, all of a sudden, on 10.2.2012, when the petitioner was on leave, the Commissioner of Municipal Administration issued proceedings dated 10.02.2012, relieving the petitioner from Alandur Zonal Office and transferred him to Tambaram Municipality. Aggrieved by this transfer order from Alandur Zonal Office to Tambaram Municipality, the petitioner filed a writ petition before this Court in WP.No.6681 of 2012 and subsequently the same was dismissed by this Court, thereby, the petitioner preferred an appeal in WA.No.204 of 2013, which was also dismissed by this Court on 13-12-2018 and thereafter the petitioner made a representation on 10.02.2013 to the Commissioner of Municipal Administration, requesting to include the petitioner name as Driver. However, no orders have been passed on the said representation prompting the petitioner to file this writ petition.

2. Learned counsel appearing for the petitioner submitted that without going into the merits of the case, it would suffice if this Court directs the respondent to consider the representation made by the petitioner and pass orders within a particular time frame as fixed by this Court.

3. On the above contention, this Court heard the learned Special Government Pleader appearing for the 1st respondent, who has no objection to such a direction being passed.

4. In view of the limited relief sought for, this Court without going into the merits of the issue, directs the 1st and 2nd respondents to consider the petitioner's representation dated 10.02.2013 and pass orders thereon in accordance with law within a period of three months from the date of receipt of copy of this order.

5. With the above direction, this writ petition is disposed off. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jrs

To

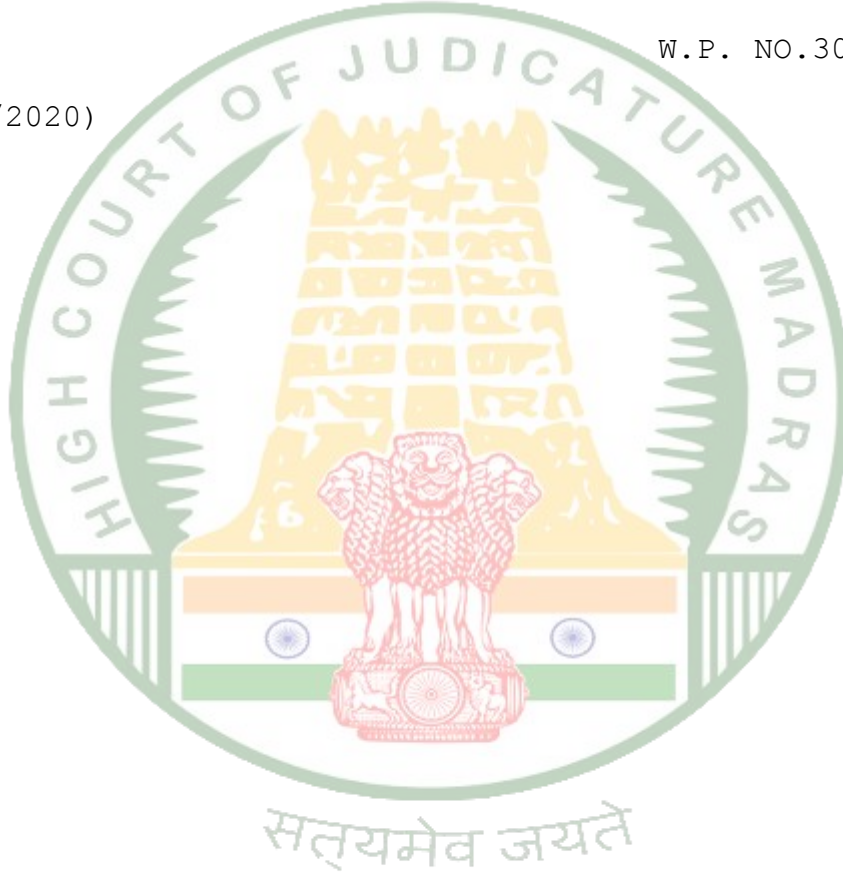
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+1 cc to The Government Pleader, Sr.No. 25875

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VS (CO)
RMP (31/08/2020)



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