

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.09.2020

CORAM:

THE HON'BLE MR. JUSTICE V.PARTHIBAN

WP No.11337 of 2020
and WMP Nos.13820 & 13822 of 2020

J.William Arokiaraj

.. Petitioner

-Vs-

1. The Regional Director of Municipal Administration,
Vellore-12.

2. The Commissioner,
Villupuram Municipality,
Villupuram.

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records connected with the proceedings issued in Na.Ka.No.6948/2019/111 dated 22.05.2020 passed by the 2nd respondent and quash the same and consequently direct the respondents to allow the petitioner to continue in Villupuram Municipality as Sanitary Supervisor.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents: Mr.P.S.Sivashanmugasundaram
Spl. Govt. Pleader

सत्यमेव जयते
O R D E R

This matter is taken up through web hearing.

2. The writ petition has been filed seeking for the following prayer:

"for issuance of Writ of Certiorarified Mandamus, calling for the records connected with the proceedings issued in Na.Ka.No.6948/2019/111 dated 22.05.2020 passed by the 2nd respondent and quash the same and consequently direct the respondents to allow

the petitioner to continue in Villupuram Municipality as Sanitary Supervisor."

3. The petitioner is working as a Sanitary Supervisor in the 2nd respondent municipality. He is aggrieved by the transfer order dated 22.05.2020, issued by the 1st respondent, transferring him from Villupuram Municipality to Arakonam Municipality. Therefore, the order of the 1st respondent dated 22.05.2020, being the transfer order and the consequential order of the 2nd respondent bearing same date, are being assailed in the writ petition.

4. The learned counsel Mr.S.Ilamvaludhi, appearing for the petitioner would submit that there is absolutely no administrative requirement for the petitioner to be transferred from the 2nd respondent Municipality to Arakonam Municipality. The petitioner in fact has also represented to the 1st respondent on 20.06.2020, requesting that he may be accommodated in any of the nearby places, instead of posting him to far away Arakonam Municipality.

5. According to the learned counsel, the petitioner was also not keeping good health and if he is going to be relocated to a far away place, his health condition would worsen.

6. Notice was ordered and in response to the notice, Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, has entered appearance on behalf of the respondents.

7. Earlier, when the matter was taken up for hearing, the learned counsel for the petitioner would request that there are vacancies available in and around Villupuram Municipality in the neighbouring Districts and this petitioner can be accommodated.

8. At this, when the matter is taken up for hearing today, on verification and on instructions, learned Special Government Pleader would submit that there are vacancies available in the Tindivanam, Tiruvannamalai and two other Municipalities.

9. The learned counsel for the petitioner would submit that in that case, the petitioner may be considered for being accommodated in Tindivanam Municipality and a direction may be issued to the 1st respondent for such consideration in the available vacancy.

10. Learned Special Government Pleader, on instructions, again would submit that he would have no objection for such direction being issued.

11. In view of the above submissions of the learned

counsels, the writ petition is disposed of, with a direction as under:

(i) The 1st respondent herein is directed to consider the request of the petitioner, made through his Advocate, before this Court, for posting him in the available vacancy as Sanitary Supervisor in the Tindivanam Municipality and on such consideration, shall issue appropriate orders within a period of two weeks, from the date of receipt of a copy of this order.

(ii) This direction is issued only on the basis of the submission made on behalf of the 1st respondent, by the learned Special Government Pleader, on instructions.

12. The writ petition is disposed of, as indicated above. No Costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Regional Director of Municipal Administration, Vellore-12.
2. The Commissioner, Villupuram Municipality, Villupuram.

+1cc to Mr.S.Ilamvaludhi, Advocate, Sr.No.28777
+1cc to the Government Pleader, Sr.No.28669

WEB COPY

WP No.11337 of 2020
and WMP Nos.13820
& 13822 of 2020

rsv (co)
rr ii (15/09/2020)