



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.08.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.8539 of 2020

and

W.M.P(MD)No.7914 of 2020

WEB COPY

K.Velmurugan

...Petitioner

-Vs-

1.The District Collector,
O/o.District Collector,
Thoothukudi.

2.The Assistant Director (Town Panchayat),
O/o.Assistant Director (Town Panchayat),
Tirunelveli Region,
Tirunelveli.

3.The Executive Officer,
Tiruchendur Special Grade Town Panchayat Office,
Tiruchendur,
Thoothukudi District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to transfer the petitioner to the post of Office Assistant which is vacant at the third respondent's office (Special Grade Town Panchayat) at Tiruchendur, Thoothukudi District by considering the petitioner's representation dated 09.07.2020.

For Petitioner : Mr.N.Ramesh Arumugam
For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to transfer the petitioner to the post of Office Assistant which is vacant at the third respondent's office (Special Grade Town Panchayat) at Tiruchendur, Thoothukudi District by considering the petitioner's representation dated 09.07.2020.

2.Heard Mr.N.Ramesh Arumugam, learned counsel appearing for the petitioner and Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the respondents.

3. The learned counsel appearing for the petitioner would
<https://hcservices.ecourts.gov.in/hcservices/>



submit that, the petitioner is a physically disabled person with 50% disability and on that ground, he got appointment at the third respondent Town Panchayat as sanitary worker from 18.01.2019, however, in this regard, it is the grievance of the petitioner that, because he is a differently abled person with 50% disability, he is not in a position to discharge his duty to the fullest satisfaction as sanitary worker, therefore, in this regard, if he is posted as Office Assistant in the very same third respondent Town Panchayat, where according to him an Office Assistant post is vacant, he can discharge his duty to the fullest satisfaction and this request he had made only because of his physical condition as he is differently abled person with 50% disability. In this regard, since the petitioner has given a representation to the first respondent on 09.07.2020 and to the second respondent as well as the third respondent on the same day separately, he just wants a direction from this Court that, if the respondents considered his representation submitted to them on the medical ground, within a time frame on merits, the petitioner would be satisfied.

4. The learned Special Government Pleader appearing for the respondents on instructions would submit that, the petitioner was posted as sanitary worker. The main job allotted to the petitioner is sweeping and because of his 50% disability, if he is faced any difficulty to discharge the said duty and in this regard, he wants to be appointed in the Office Assistant post, is concerned, from one post to other post i.e., sweeper to Office Assistant it is a conversion, that can be done only at the Government level after getting necessary Government order on principle, therefore, neither of these respondents before this Court can do this. Hence, if at all the request of the petitioner have to be considered, the request can be forwarded to Government to get appropriate Government order and if the Government accepts and decides the grievance of the petitioner, accordingly the respondents, especially, the second and third respondents would act upon.

5. The said submission made by both sides is taken on record and in view of the above, this Court is inclined to dispose of this writ petition, with the following direction:

"that the respondents herein either by the second respondent or by the first respondent can forward the representation of the petitioner dated 09.07.2020 to the appropriate Governmental authority and while making such forwarding letter, the views of the respondents also can be attached therein by seeking the decision of the Government as to whether the petitioner can be posted in the Office Assistant in the third respondent Town Panchayat from the post of Sanitary worker and in this regard, such action of forwarding representation of the petitioner directly can be made by the first and second respondents within four weeks and thereafter if they are able to get the decision of the Government, immediately, on the basis of the decision, the respondents can act upon accordingly."



6. With this observations and direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

WEB COPY

Sd/-

Deputy Registrar (Accounts)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
O/o.District Collector,
Thoothukudi.
- 2.The Assistant Director (Town Panchayat),
O/o.Assistant Director (Town Panchayat),
Tirunelveli Region,
Tirunelveli.
- 3.The Executive Officer,
Tiruchendur Special Grade Town Panchayat Office,
Tiruchendur,
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KK(07.09.2020) 3P 4C