



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.12.2020

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) Nos.13438 & 17791 of 2020

and

W.M.P. (MD) Nos.11216, 14846 & 14847 of 2020

S.Ramasundaramani

...Petitioner in both W.Ps.,

Vs

- 1.The Commissioner,
Municipal Administration,
Chennai -28.
- 2.The Regional Director of
Municipal Administration,
Thirunelveli.
- 3.The Commissioner,
Ambasamuthiram Municipality,
Ambasuthiram,
Thirunelveli District.

...Respondents in both W.Ps.,

PRAYER in W.P. (MD) No.13438 of 2020: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to 2nd respondent in his proceedings Na.Ka.No.2136/2020/A2 dated 10.09.2020 with regarding to handing over Accountant post as additional charge to the Manager of Puliyanakudi Municipality and quash the same and thus render justice.

PRAYER in W.P. (MD) No.17791 of 2020: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to 2nd respondent in his proceedings Na.Ka.No.2136/2020/A2 dated 24.11.2020 and the consequential order passed by the 3rd respondent in his proceedings Na.Ka.No.1778/2020/C1 dated 26.11.2020 with regarding to handing over Accountant post to one Mr.V.Marichamy an Assistant from Kadayanallur Municipality as Revenue Inspector in the 3rd respondent Municipality and quash the same



For Petitioner
in both W.Ps., : Mr.PTS.Narendravasan

For R1
in both W.Ps, : Mr.M.Rajarajan
Additional Government Pleader

For R2 & R3
in both W.Ps., : Mr.K.P.Narayanakumar
Special Government Pleader

COMMON ORDER

Challenging the impugned order, dated 10.09.2020 passed in Na.Ka.No.2136/2020/A2 by the 2nd respondent, W.P.(MD) No.13438 of 2020, has been filed.

2.Challenging the order passed by the 2nd respondent in Na.Ka.No.2136/2020/A2, dated 24.11.2020 and the consequential order passed by the 3rd respondent in Na.Ka.No.1778/2020/C1, dated 26.11.2020, W.P.(MD) No.17791 of 2020 has been filed.

3.By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4.The learned counsel appearing for the petitioner would submit that the petitioner was initially working as Assistant and subsequently, he was working as Accountant with the 3rd respondent and thereafter, he was given additional in-charge for the post of Manager as well as Revenue Inspector. He would further submit that when the petitioner was holding the post of Accountant, the 2nd respondent has passed the impugned order, dated 10.09.2020 handing over the post of Accountant to one Shanmugam, Manager, Puliyanakudi Municipality as additional in-charge. Aggrieved by the same, the petitioner has filed W.P.(MD) No.13438 of 2020 and this Court, by order dated 05.10.2020, had granted an order of interim stay in W.P.(MD) No.13438 of 2020 and W.M.P.(MD) No.11216 of 2020.

5.The learned counsel would further submit that subsequent to the interim order granted by this Court on 05.10.2020, the 3rd respondent has passed another impugned order dated 26.11.2020, whereby, the petitioner's post of Revenue Inspector, for which, he was already given additional charge, was also handed over to one Marichamy, Assistant, Kadayannallur Municipality as additional in-charge. Challenging the same, the petitioner has filed W.P.(MD) No.17791 of 2020 before this Court. At present, the petitioner is holding the post of Accountant as well as Manager.



6.The learned Additional Government Pleader as well as the Special Government Pleader appearing for the respondents would jointly submit that the Revenue Inspector post has been provided by the respondents to the petitioner only as additional charge and that therefore, there is no illegality on the part of the respondents in handing over the post of Revenue Inspector to the said Marichamy.

7.When the matter is taken up for hearing today through video conferencing, this Court questioned the learned counsel appearing for the petitioner with regard to the initial date of the petitioner's appointment and the details of the provision of additional in-charge for the posts of Manager as well as the Revenue Inspector and suggested the counsel for the petitioner to advise his client to hold duty in the original post of Accountant and not to interfere with the respondents to appoint the independent person for the post of Revenue Inspector as well as Manager, for which, the learned counsel sought time for getting instructions.

8.For the aforesaid suggestion, after getting instructions from the petitioner, the learned counsel would submit that the petitioner is ready and willing to hold duty as Accountant alone.

9.Though the learned respective counsels appearing for the respondents have agreed with the submission of the learned counsel appearing for the petitioner, they would jointly submit that the respondents should be permitted to appoint the person independently in the post of Manager as well as Revenue Inspector in the 3rd respondent Municipality.

10.The learned counsel appearing for the petitioner has also agreed with the aforesaid submission made by the learned respective counsels appearing for the respondents.

11.In such view of the matter, this Court is inclined to pass the following directions:-

i) the respondents are directed to permit the petitioner to hold the post of Accountant and not to disturb the petitioner from the said post; and

ii) the respondents are at liberty to appoint any independent person to hold the post of Revenue Inspector as well as Manager in the 3rd respondent Municipality, in which case, the petitioner shall hand over the charge to the newly appointed person, without making any disturbance;



12. With the above directions, the Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

WEB COPY

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

mm

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 Commissioner,
Municipal Administration,
Chennai -28.
2. The Regional Director of
Municipal Administration,
Thirunelveli.
3. The Commissioner,
Ambasamuthiram Municipality,
Ambasuthiram,
Thirunelveli District.

+1 CC to M/s.M.RAJARAJAN, Advocate, SR-24513

+1 CC TO M/S.PT.S.NARENDRAVASAN, Advocate, SR-24522

W.P. (MD) Nos.13438 & 17791 of 2020

07.12.2020

PK (CO)

NR (21/12/2020) 4P : 6C