



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P.(MD) No.22513 of 2019

and

W.M.P.(MD) Nos.19293 and 19295 of 2019

S.Ramesh

... Petitioner

vs.

1.The Commissioner,
Tamil Nadu Food Safety and Drug
Administration Department,
No.359, Anna Salai, Chennai-600 006.

2.The Commissioner,
Municipal Administration and
Water Supply Department, Chennai-600 028.

3.The Commissioner,
Madurai Municipal Corporation,
Madurai.

4.The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, to call for the entire records relating to the impugned proceedings of the first respondent in R.No.11268/2017/S1/FSSA, dated 30.05.2019 insofar as mentioning of parental department as Municipal Administration instead of Madurai Municipal Corporation and consequential impugned proceedings in ROC.No.13425/J1/2019, dated 30.09.2019 issued by the second respondent as illegal and consequential direct respondents 1 to 3 to pass necessary orders permitting the writ petitioner to join in the parental department i.e. 3rd respondent Municipal Corporation as Sanitary Inspector forthwith with all monetary benefits.

For Petitioner : Mr.R.Shriram

For R1 and R2 : Mr.M.Karuppasamy
Government Advocate

For R3 : Mr.T.S.Mohammed Mohideen



O R D E R

The petitioner herein was originally appointed by the Madurai Corporation on 04.01.1991. Thereafter, on 01.11.2011, the petitioner along with seven others had joined the Food Safety Department on deputation basis. When some of the identically deputed employees were directed to return back the parental department, namely, Municipal Corporation, Madurai, the petitioner had also made a request for return to his parental unit. However, through the impugned order, dated 30.05.2019, the petitioner was relieved to the department of Director of Municipal Administration and consequently, on 30.09.2019, the petitioner was deputed to the post of Sanitary Inspector in Ramanathapuram Municipality.

2.The learned counsel appearing for the petitioner would submit that he had given his request only to be transferred back to his parental department, namely, Madurai Municipal Corporation.

3.The learned Standing counsel for the Corporation would submit that the petitioner's parental department would be the Municipal Administration Department. Though the petitioner has raised several grounds challenging the deputation order, it is now brought to the notice of this Court that there is a vacancy to the post of Sanitary Inspector in the Madurai Corporation itself and the petitioner would submit that he would be satisfied if he is accommodated in the said vacancy. While that being so, there cannot be any impediment for the second respondent to accommodate the petitioner to the vacancy post of Sanitary Inspector under the Madurai Municipal Corporation. In this background, it would be appropriate to grant liberty to the petitioner to approach the second petitioner herein seeking to be accommodated in the aforesaid vacancy, instead of deciding the grounds raised by the petitioner on the merits of the case.

4.In the light of the above observations, the petitioner is at liberty to make a fresh representation to the second respondent. On receipt of such representation, the second respondent herein shall consider the petitioner's request positively to be accommodated in the vacancy before the third respondent corporation, at least within a period of four weeks from the date of receipt of a copy of this order.

5.The Writ Petition stands ordered accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



sjj

To

1.The Commissioner,
Tamil Nadu Food Safety and Drug
Administration Department,
No.359, Anna Salai, Chennai-600 006.

2.The Commissioner,
Municipal Administration and Water Supply Department,
Chennai-600 028.

+1 CC to M/s.SPL.GP (SR-956[F] dated 09/01/2020)

+1 CC to M/s.T.S.MOHAMED MOHIDEEN, Advocate (SR-844[F] dated

+1 CC to M/s.D.RUKMANI, Advocate (SR-1246[F] dated 09/01/2020)

W.P. (MD) No.22513 of 2019
08.01.2020

SMA/30/01/2020/3P/6C