

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.15482 of 2013

E.Mohan

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by the Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner of Municipal Administration,
Ezhilagam, Chepauk, Chennai - 600 005.

3.The Commissioner,
Pallavaram Municipality,
Chrompet, Chennai - 600 044.

4.R.H.Sivakumar,
Junior Assistant, Poonamallee Municipality,
Poonamallee, Thiruvallur District.

(R4 impleaded as per the order of this Court dated 19.06.2013
in M.P.No.1 of 2013 in W.P.No.15482 of 2013) ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records in pursuant to the impugned Order in Na.Ka.No.1486/2012/H1 dated 16.02.2012 issued by the third respondent and quash the same and consequently, direct the respondents to consider the petitioner for appointment as Junior Assistant by transferring from Tamilnadu Municipal (Non Centralized Regular) Public Health Establishment to Tamilnadu General Service by relaxing the relevant rules within a stipulated time.

For Petitioner : Mr.P.Nethaji

For Respondents: Mr.A.N.Thambidurai, SGP- R1 & R2
Mr.P.Srinivas - R3
Mr.R.Kathikeyan - R4

ORDER

The prayer made in this writ petition is to call for the entire records pertaining to Na.Ka.No.1486/2012/H1 dated 16.02.2012 issued by the third respondent and quash the same and consequently, direct the respondents to consider the petitioner for appointment as Junior Assistant by transferring him from Tamil Nadu Municipal (Non Centralized Regular) Public Health Establishment to Tamil Nadu General Services by relaxing the relevant rules within a stipulated time.

2.Upon notice, the third respondent filed a detailed counter affidavit, inter alia stating that the petitioner was appointed as Sanitary worker from 24.08.2010 under the Tamil Nadu Public Health (Non-Centralised Regular) Rules, 1976 and has made a request for being transferred to the General Service of the Municipality, without any semblance of right; and there is no provision for being transferred from the Public Health Service to the General Service. It is also stated therein that the petitioner having accepted the appointment in the Public Health Services and having worked for more than 3 years, is estopped from in any manner seeking appointment in a different service based upon his educational qualification. Thus, this respondent sought to dismiss this writ petition.

3.However, today, when the matter was taken up for consideration, the learned counsel for the petitioner submitted that the relief sought herein has become infructuous and hence, nothing survives for adjudication.

4.In view of the above submission made by the learned counsel for the petitioner, this writ petition is dismissed as infructuous. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vrc

To

- 1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Fort St. George, Chennai - 600 009.
- 2.The Commissioner of Municipal Administration,
Ezhilagam, Chepauk, Chennai - 600 005.

3.The Commissioner,
Pallavaram Municipality,
Chrompet, Chennai - 600 044.

+1cc to the Government Pleader SR.1242

W.P.No.15482 of 2013

RLD (CO)
CB (02/03/2021)



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