

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.Nos.10553 of 2021

&

W.M.P.Nos.11140 and 11141 of 2021

S.Sorubarani

.. Petitioner

Versus

1. The State Government of Tamil Nadu  
Rep. by the secretary to Government  
Municipal Administration and Water supply  
department Secretariat Chennai- 600 009.

2.The Commissioner of Municipal Administration  
No.75 Santhome High Road  
M.R.C.Nagar, Raja Annamalaipuram Chennai- 600028.

3.The Commissioner  
Thanjavur City Municipal Corporation  
Thanjavur- 613 001.

4.The Commissioner  
Kumbakonam Municipality  
Kumbakonam- 612 001.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus Calling for the entire records pertaining to the impugned Letter Roc. No. 4809/ 2014/ C1 dated 10.09.2020 of the 3rd Respondent Letter in Roc. No. 4809/ 2014/ C1 dated 25.11.2017 on the file of the 3rd Respondent and Letter In L.Dis. No. 28957/ 2017/ MCA2 dated 27.12.2017 on the file of the 2nd Respondent and quash the same in so far as ignoring of the petitioner lien in the post of Junior Assistant and Assistant in the petitioners parent office of erstwhile Thanjavur Municipality, which is now upgraded as Thanjavur City Municipal Corporation, and the petitioner's entitlement to get transfer from the post of Accountant in Kumbakonam Municipality to the post of Superintendent/Assistant Revenue Officer in Thanjavur Municipal Corporation.

For Petitioner : Mr.R.Neelkandan

For Respondents: Mr.R.Govindasamy, Spl.Govt.Pleader  
for R1 to 3

Mr.L.P.Maurya, for R4

O R D E R

The Petitioner has applied for transfer to Thanjavur Corporation from Mayiladuthurai Municipality. Her initial appointment as Junior Assistant was made in Thanjavur Municipality on 30.04.1998. On promotion she was posted at Kumbakonam Municipality and thereafter to various other Municipalities. According to her there is a provision in the District Municipalities Act to get transfer from the Municipality to Corporation. She made a request on 12.06.2020 for transferring her to Thanjavur Corporation and provide her appropriate equivalent post. However, the respondents have negatived her request by their proceedings in NA.Ka.No.4809/2014/C1 dated 10.09.2020 on the ground that no equivalent post is available in the Corporation to accommodate the petitioner. Now that, the petitioner submits that there is an equivalent post fell vacant in the Thanjavur Municipal Corporation therefore she seeks to set aside the order passed on 10.09.2020 and for accommodation in the equivalent post.

2. Mr.R.Govindasamy, learned Special Government Pleader enters appearance on behalf of the respondents 1 to 3. Mr.L.P.Maurya enters appearance on behalf of the 4<sup>th</sup> respondent.

3. It is noted that the petitioner has not made any representation after the equivalent post fell vacant in the 3<sup>rd</sup> respondent Corporation. Without making any request filing a petition to set aside the order is not sustainable, for the reason that the 2<sup>nd</sup> respondent has not rejected the request altogether. But, it was observed that there is no equivalent post at that point of time was available.

4. Considering the facts and circumstance of the case, it is open to the petitioner to make a representation to the 2<sup>nd</sup> respondent citing the available post and for consideration of the same in the light of the Sec. 73(A) of District Municipalities Act within a period of two weeks from the date of receipt of the order copy. On such representation being received, the 2<sup>nd</sup> respondent is directed to consider the present circumstances of the case and pass orders on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of the representation.

With the above direction, the writ petition is disposed of.  
No costs. Connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government  
State Government of Tamil Nadu  
Municipal Administration and Water supply  
department Secretariat Chennai- 600 009.

2.The Commissioner of Municipal Administration  
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3.The Commissioner  
Thanjavur City Municipal Corporation  
Thanjavur- 613 001.

4.The Commissioner  
Kumbakonam Municipality  
Kumbakonam- 612 001

+1cc to Mr.R,Neelakandan, Advocate, S.R.No.26440  
+1cc to M/s.L.P.Maurya, Advocate, S.R.No.25538  
+1cc to the Government Pleader, S.R.No.25985

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सत्यमेव जयते W.M.P.Nos.11140 and 11141 of 2021

JP-II(CO)  
CB(01/07/2021)

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