



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD)No.8657 of 2021

and W.M.P. (MD)No.6522 of 2021

WEB COPY

R.Kannan

... Petitioner

vs.

1.The Commissioner of Municipal Administration,
Ezhilagam,
Chepauk, Chennai - 05.

2.The Additional Director of Municipal of
Administration,
Directorate of Municipal Administration,
Ezhilagam,
Chepauk, Chennai - 05.

3.The Municipal Commissioner,
Karur Municipality,
Karur, Karur District.

... Respondents

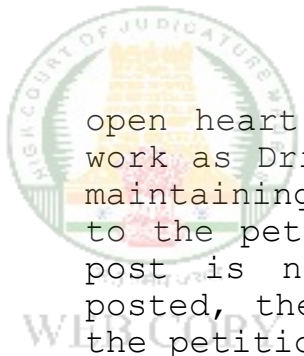
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to redesignate the post of the petitioner commensurate with his qualification in the 3rd respondent Municipality in strict conformity with G.O.Ms.No.173, Personnel and Administrative Reforms (R) Department, dated 23.11.2005 and by considering the petitioner's representation dated 10.06.2020, within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For Respondents : Mr.P.Subbaraj,
Government Advocate for R1 & R2
Mr.J. Senthil Kumaraiah for R3

ORDER

The petitioner filed this Writ Petition seeking for a direction to the respondents to redesignate the post of the petitioner commensurate with his qualification in the 3rd respondent Municipality in strict conformity with G.O.Ms.No.173, Personnel and Administrative Reforms (R) Department dated 23.11.2005 and by considering the petitioner's representation dated 10.06.2020.

2. According to the petitioner, he was appointed as Driver in the third respondent Municipality on 25.03.1994. He underwent an



open heart surgery and the Doctor certified that he is not fit to work as Driver. On his representation, he was allotted the work of maintaining the vehicles belong to the third respondent. According to the petitioner, even though he has allotted alternate work, his post is not redesignated and whenever, a new Commissioner is posted, the petitioner's work is disturbed. In such circumstances, the petitioner gave a representation for providing work in technical section other than Driver. The third respondent, by his proceedings, dated 27.06.2016, informed that there is no equivalent post is available in the third respondent Municipality. The petitioner filed W.P.(MD)No.13735 of 2016 before this Court. This Court, by order dated 02.08.2016, directed the third respondent to continue him in same alternate work. The petitioner is continuing in the alternate work. While so, the petitioner gave a representation dated 10.06.2020, to the third respondent seeking to redesignate his post as Work Inspector or in alternate, transfer him to some other Municipality in a post, taking into consideration his educational qualification. Since no action was taken by the third respondent, he has filed this Writ Petition.

3. Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.

4. Considering the above facts and circumstances of this case and the proceedings filed in the typed set of papers, without deciding the request of the petitioner on merits, it is suffice to direct the first respondent to consider the representation of the petitioner dated 10.06.2020 and pass orders on merits, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

VSM

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 of Municipal Administration,
Ezhilagam,
Chepauk, Chennai - 05.

2.The Additional Director of Municipal of
Administration,
Ezhilagam,
Chepauk, Chennai - 05.

3.The Municipal Commissioner,
Karur Municipality,
Karur, Karur District.

+1 CC to M/s.SPL GP (SR-19553[F] dated 17/06/2021)

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16.06.2021**

GS (24.06.2021) 3P 5C