



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2021

CORAM

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

WP(MD) No. 13886 of 2018

and W.M.P. (MD) No. 12610 of 2018

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B.Gomathinayagam

... Petitioner

Vs.

The Commissioner,
Kovilpatti Municipality,
Kovilpatti, Thoothukudi District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the respondent in his proceedings in Na.Ka.No.1749/2018/H1 dated 07.05.2018 and quash the same and further direct the respondent to transfer the petitioner from Sanitary Worker to the Public Health Department to the post vacant in Engineering Section with equal scale of pay to the Sanitary Worker in the respondent Municipality.

For Petitioner : Mr. PT.S.Narendravasan
For Respondent : No Appearance.

O R D E R

The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to quash the order dated 07.05.2018, passed by the respondent and to direct the respondent to transfer the petitioner from the Public Health Department to the post vacant in Engineering Section with equal scale of pay to the Sanitary Worker in the respondent Municipality.

2. The case of the petitioner is that he was appointed on 22.01.2014 as Sanitary Worker in the respondent Municipality. Thereafter, the petitioner came to know that there are some vacancies in the Engineering Section in the Respondent Municipality with equal scale of pay of Sanitary Workers in Public Health Department. Hence, the petitioner made a representation on 10.02.2016, seeking transfer from Public Health department to the post vacant in Engineering Section with equal scale of pay. The said representation was rejected by the respondent vide impugned order dated 07.05.2018. Challenging the same, the petitioner has filed the present Writ Petition.



3. The learned counsel appearing for the petitioner submitted that the post of Sanitary Worker and the post in Municipality Engineering Section are in equal cadre and equal scale of pay. Therefore, the rejection order passed by the respondent is illegal and the same is liable to be quashed.

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4. Though notice has been served, there is no representation on behalf of the respondent.

5. In the impugned order, it is stated that as per the Public Health Act, the persons, who are working in the Public Works Department, cannot be transferred to any other department. Further, in the impugned order, it is stated that the petitioner is working in the Public Works Department and therefore, he cannot be transferred to other Department. If any such transfer order is granted, the same will violate the circular issued by the Commissioner of Municipal Administration. On the contrary, the petitioner has not placed relevant Rules or Government Orders for entitlement of transfer to the said Engineering Section. Hence, there is no merit in this Writ Petition and therefore, the same deserves to be dismissed.

6. In fine, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// 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

The Commissioner,
Kovilpatti Municipality,
Kovilpatti, Thoothukudi District.

WP(MD) No. 13886 of 2018
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