



WEB COPY

W.P.No.16658 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

**W.P.No.16658 of 2022 &
W.M.P.Nos.15941 & 15943 of 2022**

L.Yakob

... Petitioner

vs.

1.The Commissioner,
Tambaram Corporation, Tambaram.

2.The Commissioner for Municipal Administration,
No.75, Santhome High Road, MRC Nagar,
Raja Annamalaipuram, Chennai - 28.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Certiorarified Mandamus calling for the records relating to the proceedings of the first respondent dated 29.10.2020 and 21.01.2022 issued in Na.Ka.No.6887/2012/H2 and quash the same and consequently, to direct the first respondent to reinstate the petitioner into service as regular sanitary worker with all service and monetary benefits.

For Petitioner : Mr.P.I.Thirumoorthy

For Respondent 1 : Mr.P.Srinivas

For Respondent 2 : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

**ORDER**

The petitioner has challenged the impugned order dated 29.10.2020 and 21.01.2022 passed by the first respondent in his statutory appeal on the ground that the said order will have to be passed by the second respondent who is the appellate authority and not by the first respondent who is the appointing authority.

2. Heard P.I.Thirumoorthy, learned counsel for the petitioner, Mr.P.Srinivas, learned counsel for the first respondent and Mr.L.S.M. Hasan Fizal, learned Additional Government Pleader appearing for the second respondent.

3. Earlier the petitioner had approached this Court in W.P.No.19241 of 2021 and by order dated 14.09.2021, in the said writ petition, a direction was issued to the appointing authority to pass final order on the petitioner's appeal instead of issuing direction to the appellate authority who has the power to decide the appeal. In such circumstances, the petitioner has filed this writ petition challenging the order passed by the first respondent on the petitioner's appeal.

4. Since the petitioner's appeal has been decided by the first



respondent who is the appointing authority, but not by the second respondent who is the appellate authority, the impugned order dated 21.01.2022 has to be quashed and the matter will have to be remanded back to the second respondent instead of first respondent for fresh consideration on merits and in accordance with law on the petitioner's statutory appeal within a time frame to be fixed by this Court.

5. For the foregoing reasons, this writ petition is **disposed of** and the impugned order dated 21.01.2022 passed by the first respondent is hereby quashed and the matter is remanded back to the second respondent instead of first respondent as the second respondent is the appellate authority and the second respondent is directed to pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this Order. No costs. Consequently, connected miscellaneous petitions are closed.

14.10.2022

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Index:Yes/No

Speaking/Non-speaking orders



To

1.The Commissioner,
Tambaram Corporation, Tambaram.

2.The Commissioner for Municipal Administration,
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ABDUL QUDDHOSE, J.



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