



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.14356 OF 2020

P.Maheshwari

...Petitioner

Vs.

1.The State of Tamil Nadu

Rep. by its Principal Secretary to Government
Municipal Administration and Water
Supply Department
Secretariat, Fort St. George
Chennai-600 009.

2.The Commissioner of

Municipal Administration
Chepauk, Chennai-600 005.

3.The Commissioner,

Dharapuram Municipality
Dharapuram.

...Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to pass orders to transfer the petitioner to the post of Junior Assistant coming under Tamil Nadu Municipal General Service on conversion with effect from 13.10.2016, based on the representation submitted by the petitioner dated 24.04.2015, with all consequential and other attendant benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.T.Arunkumar for R1 & R2
Additional Government Pleader
Mr.P.Srinivas for R3

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.



2. According to the writ petitioner, the writ petitioner was initially appointed as Multi Purpose Health Worker in Coimbatore Corporation vide proceedings dated 03.09.2007 and she joined the service as Urban Health Nurse on 10.09.2007 and her services have been regularized from the date of appointment. Subsequently, the petitioner was given one way transfer from Coimbatore Corporation to Dharapuram Municipality as per G.O (D) No.84 MAWS Deoartment dated 02.03.2009 and relieved on 01.04.2009 and joined as Urban Health Nurse in Dharapuram Municipality on 03.06.2009. The administrative control of UPHCs have been transferred to the control of Director of Public Health and Preventive Medicine and it is the responsibility of the Local Body to provide building for establishing the UPHC. Whereas, the staff working in UPHC remains Municipal employee coming under the administrative control of respective Municipality. The petitioner submitted a representation to the respondents to transfer and post the petitioner in the post of Junior Assistant coming under Tamil Nadu Municipal General Service by referring to the fact that the post of Urban Health Nurse and Junior Assistant are equal cadre and carries the same scale of pay and further, she is also qualified for the post of Junior Assistant. She has also relied upon the G.O.Ms.No.7 MAWS Department dated 12.01.2009. Therefore, the petitioner made a representation on 24.04.2015 to the respondents. But the same was not considered till date. Hence the present writ petition.

3. The 1st respondent has not chosen to file any counter affidavit.

4. The 3rd respondent has filed a counter affidavit, in which it is stated that based on her application, the petitioner has been transferred to Dharapuram Municipality vide G.O. Ms.No.84 MAWS dated 02.03.2009. Subsequently, she was assigned the work of Junior Assistant which is under the control of Director of Public Health and Preventive Medicine. Based on her application, purely on a temporary basis, with conditions, she was given the work of assisting in the clerical work in the Municipality. Therefore, the petitioner cannot seek for any legal right to claim for conversion as Junior Assistant in the said Municipality.

5. The learned counsel appearing for the petitioner would submit that the petitioner is eligible for conversion to the post of Junior Assistant as per G.O Ms.No.7 MAWS Department dated 12.01.2009 and hence, he prays to consider the petitioner's claim.

6. Mr.T.Arunkumar, learned Additional Government Pleader takes notice for the respondents 1 & 2 and he disputed that the said G.O will not apply for the conversion of post as Junior



Assistant and it is only a ratification order, wherein the aforesaid employee was served as Junior Assistant in the department.

7. Considering the aforesaid backdrops, the petitioner made a representation to the 1st respondent on 24.04.2015 seeking for conversion to the post of Junior Assistant under the control of Director of Public Health and Preventive Medicine with effect from 13.10.2016. and the said representation is still pending, since the 1st respondent has not chosen to file counter affidavit, for more than 3 years, after filing of the present writ petition.

8. Considering the said facts, this Court is inclined to direct the 1st respondent to consider the petitioner's representation dated 24.04.2015, and pass orders on its own merits and in accordance with law, as expeditiously as possible, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

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To

1.The Principal Secretary to Government
Municipal Administration and Water
Supply Department
Secretariat, Fort St. George
Chennai-600 009.

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

3.The Commissioner,
Dharapuram Municipality
Dharapuram.

+1cc to the Government Pleader Sr.No.35542

W.P.No.14356 of 2020

SSI(CO)
RVM(04/07/2022)