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W.P.(MD)NO.22285 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.22285 of 2022 and
W.M.P.(MD)Nos.16474 to 16476 of 2022

A.Arul,
Assistant Engineer,
Palayamkottai Zone,
Tirunelveli Municipal Corporation,
Tirunelveli.

... Petitioner

Vs.

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai – 9.
2. The Director,
Municipal Administration,
75, Santhom High Road, M.R.C.Nagar,
Raja Annamalaipuram,
Chennai – 28.
3. The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records connected with the impugned order passed by the 2nd respondent in Na.Ka. No.22417/ 2018/ Ma.Na.A-3 dated 16.09.2022 which was



communicated to the 3rd respondent, quash the same and consequently direct the respondents to retain the petitioner in the very same station at Tirunelveli in view of the Polio affected disability of the petitioner.

For Petitioner : Mr.S.Govindan

For R-1 & R-2 : Mr.A.K.Manikkam,
Special Government Pleader.

For R-3 : Ms.M.Anitha,
Standing Counsel.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner questions the impugned order whereby one Shri.M.Ravi who has been working in Coimbatore Municipal Corporation on foreign service has been transferred back to Tirunelveli City Municipal Corporation to work in the place of the writ petitioner.

3. The learned counsel appearing for the writ petitioner took me through the averments set out in the



affidavit filed in support of the writ petition. He contended that the writ petitioner is a physically challenged individual and that when he was earlier transferred to Kumbakonam, he filed W.P.(MD)No.7412 of 2020 and obtained an interim order and by virtue of the same, he is continuing in Tirunelveli. The petitioner's apprehension is that if the impugned order is not stayed or set aside, Thiru.N.Ravi will come back to Tirunelveli City Municipal Corporation and the petitioner will be necessarily displaced.

4. I am of the view that the petitioner has no *locus standi* to question the order passed in favour of Shri.N.Ravi. Shri.N.Ravi was originally working in Tirunelveli City Municipal Corporation and he was transferred to Coimbatore Municipal Corporation only by way of deputation on foreign service. He has worked there for full ten years. Therefore, he is being brought back. No exception can be taken to the said order.

5. The petitioner can have grievance only if he is transferred out of Tirunelveli and displacement from his



existing post will not constitute infringement of the writ petitioner's right. Only if he is transferred to some other local body, the petitioner can have cause for complaint. If any such order is passed, it is for the petitioner to file a petition. As and when such a petition is filed, the same will be considered on merits and in accordance with law. With this liberty to the petitioner, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

22.09.2022

Index : Yes / No
Internet : Yes/ No

PMU

To:

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai – 9.
2. The Director,
Municipal Administration,
75, Santhom High Road, M.R.C.Nagar,
Raja Annamalaipuram, Chennai – 28.
3. The Commissioner,
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G.R.SWAMINATHAN,J.

PMU

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