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W.P.No.19818 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2023

CORAM

**THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR**

W.P.No.19818 of 2023

and WMP Nos.19146, 19147 and 19148 of 2023

K.Ramathal  
Junior Assistant  
Coimbatore City Municipal Corporation  
Coimbatore 641 001

... Petitioner

Vs.

1.The Secretary to Government  
Municipal Administration and Water Supply Department  
Secretariat  
Chennai 600 009

2.The Director of Municipal Administration  
No.75, Santhome High Road  
MRC Nagar  
Raja Annamalaipuram  
Chennai 600 028

3.The Commissioner  
Coimbatore City Municipal Corporation Coimbatore,  
Coimbatore 641 001

4.The Commissioner  
Tiruppur City Municipal Corporation  
Tiruppur.

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India seeking Writ of



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Certiorarified Mandamus to call for the records relating to the impugned order of the 2<sup>nd</sup> Respondent issued in Na.Ka.No.12127/2023/GA3 dated 19.06.2023 and the consequential order of the 3<sup>rd</sup> Respondent issued in Na.Ka.No.420/2023/MC9 dated 24.06.2023 and quash the same and consequently to direct the 3<sup>rd</sup> Defendant not to disturb the Petitioner from the Coimbatore City Municipal Corporation.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.R.Shanmughasundaram  
Advocate General  
Assisted by  
Mr.M.Alagu Gowtham (for R1 & R2)  
Government Advocate

Mr.N.Velmurugan (for R3)

Mr.Abishekmurthy (for R4)

### ORDER

This Writ Petition has been filed to call for the records relating to the impugned order of the 2<sup>nd</sup> Respondent issued in Na.Ka.No.12127/2023/GA3 dated 19.06.2023 and the consequential order of the 3<sup>rd</sup> Respondent issued in Na.Ka.No.420/2023/MC9 dated 24.06.2023 and quash the same and consequently to direct the 3<sup>rd</sup> Defendant not to disturb the Petitioner from the



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Coimbatore City Municipal Corporation.

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2.It is the main contention of the Petitioner that as per Rule 38 of the Tamil Nadu Municipal Corporation Service Rules, 1996 and Rule 214 (2) of the Tamil Nadu Urban Local Bodies Rules, 2023 for transfer of a person, each municipality shall be treated as a separate unit. Therefore, it is contended that in the Coimbatore Corporation being a separate unit, the person working in the Corporation cannot be transferred to the other Corporation as per the above Rules, whereas the impugned order has been passed by the Commissioner of Corporation, Coimbatore for deputing the Petitioner to Tiruppur Corporation. Hence the same has been challenged in this Writ Petition.

3.Heard the learned counsel appearing on either side and perused the available records.

4.I have gone through the entire Rules. Rule 38 of the Tamil Nadu Municipal Corporation Service Rules, 1996, defined that for the purpose of appointment, promotion, reversion, each Municipal Corporation shall be a separate unit. It is relevant to note that Tamil Nadu Urban Local Bodies Rules,



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2023, came into effect from 13.04.2023 and Rule 213 of the Tamil Nadu Urban Local Bodies Rules is in fact *pari materia* to Rule 38 of the Tamil Nadu Municipal Corporation Service Rules, 1996. It is relevant to note that though as per the above Rules, each corporation shall be a separate unit for effecting the transfer from one unit to other unit, a specific power has been vested to Director of Municipal Administration as per Rule 214 of the Tamil Nadu Urban Local Bodies Rules, 2023. The very transfer itself passed invoking powers under Rule 214 of the Tamil Nadu Urban Local Bodies Rules, 2023 and the consequential order passed by the Commissioner, pursuant to the orders passed under Rule 214 of the Tamil Nadu Urban Local Bodies Rules, 2023

5.In such view of the matter, this Court cannot entertain this Writ Petition. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

05.07.2023

Index : Yes/No  
Neutral citation : Yes/No  
Speaking Order/Non-Speaking Order

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To

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Municipal Administration and Water Supply Department  
Secretariat  
Chennai 600 009

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Tiruppur.



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**N.SATHISH KUMAR, J.**

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Dated: 05.07.2023