



W.P.(MD)No.9147 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9147 of 2023

Ajmal

... Petitioner

Vs

1.The State represented by
The Principal Secretary,
Department of Municipal Administration
and Water Supply,
State of Tamil Nadu,
Fort St.George,
Chennai – 600 009.

2.The Commissioner,
Office of the Commissioner of
Municipal Administration,
3, MRC Nagar,
Raja Annamalai Puram,
Chennai.

3.The District Collector,
Office of the District Collector,
Sivagangai District.

4.The Municipal Commissioner,
Office of the Municipal Commissioner,
Sivagangai Municipal,
Sivagangai District.



W.P.(MD)No.9147 of 2023

5.Thinnaiyayiramoorathi,
Sanitary Inspector,
Sivagangai Municipal,
Sivagangai District.

6.Vengadesan,
Sanitary Supervisor,
Sivagangai Municipal,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, direct the respondents 1 to 4 to take action against the respondents 5 and 6 and direct the respondents to pay fair and reasonable compensation to the petitioner's hospital by considering the petitioner's representation dated 25.03.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.3

Mr.A.Kathiravan
Standing Counsel for R.4

ORDER

Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 3 and the learned Standing Counsel appearing for the fourth respondent.



W.P.(MD)No.9147 of 2023

2.The petitioner represents a Hospital that is running in Sivagangai. The allegation of the petitioner is that the respondents 5 and 6 are demanding money for removing the garbage generated from the hospital.

3.The learned counsel would state that while the Hospital has made independent arrangement for clearing bio medical waste, they are only expecting the local body to remove other kinds of garbage. According to the petitioner, since the hospital declined to pay illegal gratification to respondents 5 and 6 they have deliberately scattered the garbage before the hospital thereby seeking to bring bad name to the Institution. The petitioner has given a complaint before the fourth respondent and other authorities. The petitioner wants action to be taken against the respondents 5 and 6. The petitioner also seeks payment of compensation for the damage done to the Hospital.

4.As regard the payment of compensation, I do not have the portfolio or roster to consider granting relief. However, as regards the first part of the prayer, I have consistently taken the view that it is for the employer to take a call as to whether action should be taken against an erring employee or not. The petitioner has given a complaint before the fourth respondent. The fourth respondent is the authority competent to take a decision. The matter is entirely



W.P.(MD)No.9147 of 2023

left to the discretion of the fourth respondent. I decline to go into the merits of the matter. I can only clarify it is for the fourth respondent to take a call.

5. With these observations, this writ petition is disposed of. It is open to the petitioner herein to file a fresh writ petition or any other claim for payment of compensation for the alleged injury said to have been suffered by the Hospital in question. There shall be no order as to costs.

20.04.2023

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

MGA

To

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2. The Commissioner,

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W.P.(MD)No.9147 of 2023

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W.P.(MD)No.9147 of 2023

G.R.SWAMINATHAN, J.

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W.P.(MD)No.9147 of 2023

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