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W.P.No.25985 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.25985 of 2024

and

W.M.P.No.28380 of 2024

S.Rajamani,
Junior Engineer,
Erode Corporation, Erode – 638 001.

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration & Water Supply Department,
Secretariat, Namakkal Kaviner Maligai,
Chennai – 600 009.

2.The Director of Municipal Administration,
75, Santhome High Way, MRC Nagar,
Raja Annamalaipuram,
Chennai – 600 028.

3.The Commissioner,
Erode City Municipal Corporation,
Erode.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the respondents herein to



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re-designate the petitioner from the post of Junior Engineer to the post of Assistant Engineer with effect from 11.10.2023 with all service and monetary benefits based on the petitioner representations dated 23.06.2023, 25.08.2023 and 08.08.2024.

For petitioner : Mrs.Dhakshayini Reddy
Senior Counsel
for Mr.P.Rajavel

For Respondents : Dr.T.Seenivasan
Special Government Pleader

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to re-designate the petitioner from the post of Junior Engineer to the post of Assistant Engineer with effect from 11.10.2023 with all service and monetary benefits based on the petitioner's representations dated 23.06.2023, 25.08.2023 and 08.08.2024.

2.When the matter was taken up for hearing today, the learned Special Government Pleader appearing on behalf of the respondents circulated a copy of the proceedings of the 2nd respondent dated



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31.01.2024, wherein the claim made by the petitioner has been rejected.

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3.The learned Special Government Pleader also submitted that the petitioner has now been transferred from Erode Corporation to Kayalpattinam Municipality.

4.The learned Senior Counsel appearing on behalf of the petitioner submitted that the petitioner has obeyed the order of transfer and he has already joined at Kayalpattinam Municipality. The learned Senior Counsel further submitted that the request made by the petitioner should have been considered only by the 1st respondent and that the 2nd respondent does not have the power to deal with the same since, it involved relaxation of Rules.

5.In the considered view of this Court, even if the writ petition is disposed of by directing the 1st respondent to consider the representation made by the petitioner, the order passed by the 2nd respondent dated 31.01.2024 will stand in the way of the petitioner. Hence, it will be more appropriate to challenge the order dated 31.01.2024 and to seek for



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appropriate directions.

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6. Accordingly, this Writ Petition is closed by granting liberty to the petitioner to file a fresh writ petition by challenging the proceedings of the 2nd respondent dated 31.01.2024 and seek for further reliefs. Consequently, the connected Miscellaneous Petition is closed. No costs.

26.09.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration & Water Supply Department,
Secretariat, Namakkal Kaviner Maligai,
Chennai – 600 009.
2. The Director of Municipal Administration,
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Erode.

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N.ANAND VENKATESH, J.

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