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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.2983 of 2024
and
W.M.P(MD)No.2974 of 2024

R.Alexander

... Petitioner

Vs.

1.The Commissioner,
Madurai City Municipal Corporation,
Aringar Anna Maligai,
Madurai-2.

2.Mr.L.Madhubalan,
Commissioner,
Madurai City Municipal Corporation,
Aringar Anna Maligai,
Madurai-2.

... 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 pertaining to the impugned order passed by the 1st respondent in his proceedings in Aa2/00282/2024 dated 03.02.2024 and quash the same and consequently direct the respondents to permit the petitioner to continue as Assistant Executive Engineer in the office of the 1st respondent.



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For Petitioner : Mr.P.Gunasekaran

For Respondents : Mr.F.Deepak
Standing Counsel

ORDER

The instant writ petition has been filed by an Assistant Executive Engineer of the Madurai City Municipal Corporation, challenging the direction that the petitioner should work at Mullai Periyar Amrut Drinking Water Scheme, which is located in Theni.

2.According to the learned Counsel appearing for the writ petitioner, when the petitioner is challenging the order of transfer issued by the Principal Secretary to Government transferring him from Madurai Corporation to Tirunelveli District and an order of interim stay was in force, the present impugned order has been passed by the first respondent herein on 03.02.2024 directing the petitioner to attend duty at Mullai Periyar Amrut Drinking Water Scheme at Theni District.

3.This Court by the separate order dated 26.09.2023 made in W.P.(MD)No.23400 of 2023 has upheld the order of transfer passed by the Principal Secretary to the Government, transferring the writ petitioner from



Madurai Corporation to Tirunelveli Corporation. Since the transfer of the petitioner to Tirunelveli Corporation has already been upheld, the first respondent in the writ petition will not have any jurisdiction, whatsoever, to direct the petitioner to work at Mullai Periyar Amrut Drinking Water Scheme at Theni District.

4. Therefore, the order impugned in the writ petition is hereby quashed. Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR, J.

RJR

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