



WP(MD) No.17570 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.17570 of 2024

and

W.M.P(MD)Nos.15105 & 15106 of 2024

M.Suseenthiran

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai 600 009.

2. The Director of Municipal Administration,
O/o. the Director of Municipal Administration,
Santhom High Road,
Raja Annamalaipuram,
Chennai 28.

3. The Commissioner,
Theni - Allinagaram Municipality,
Theni.



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4. The Commissioner,
Tiruchendur Municipality,
Tiruchendur,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent vide his proceedings in Na.Ka.No. 25/2023/F2 dated 20.11.2023 and the consequential impugned order passed by the 2nd respondent vide his proceedings in Na.Ka.No. 25/2023/F2 dated 14.03.2024 insofar as petitioner is concerned and quash the same as illegal and consequentially to direct the respondents to provide alternative employment to the petitioner in the 3rd respondent municipality in accordance with the mandate of Section 20 of the Rights of Persons with Disabilities Act, 2016 with the same pay and service benefits within a period that may be stipulated by this Court.

For Petitioner : Mr.S.Mohamed Suhail
for M/s.Ajmal Associates
For Respondents : Mr.J.Ashok – for R1 & R2
Additional Government Pleader
Mr.G.Kaleeswaran – for R3
Standing Counsel
Mr.H.Arumugam – for R4
Standing Counsel



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ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned order of the 2nd respondent vide his proceedings in Na.Ka.No. 25/2023/F2 dated 20.11.2023 and the consequential impugned order of the 2nd respondent vide his proceedings in Na.Ka.No. 25/2023/F2 dated 14.03.2024 insofar as petitioner is concerned and consequentially, to direct the respondents to provide alternative employment to the petitioner in the 3rd respondent Municipality in accordance with the mandate of Section 20 of the Rights of Persons with Disabilities Act, 2016 with the same pay and service benefits.

2. Heard Mr.S.Mohamed Suhail, learned counsel appearing for the petitioner, Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 and 2, Mr.G.Kaleeswaran, learned Standing Counsel appearing for the third respondent and Mr.H.Arumugam, learned Standing Counsel appearing for the fourth respondent.



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3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner has been given with a charge memo for certain alleged lapses on the part of the petitioner.

5. The petitioner who has been serving as a Pipeline Fitter Grade-II, has been transferred from Theni Municipality to Tiruchendur Municipality- 4th respondent.

6. The learned counsel for the petitioner submitted that the petitioner could not join in the transferred place, in view of his health reasons. The petitioner's representation has not been considered and hence, the petitioner has filed this writ petition, in which, he also sought for an alternate employment on account of his health reason.

7. Whenever a transfer order is issued to an employee, the employee has got a duty to obey the order.



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8. The learned Additional Government Pleader submitted that earlier the petitioner has been transferred to Sivagangai and he failed to join in compliance with the order and only thereafter, the present order for transferring to Tiruchendur has been passed.

9. The petitioner seems to be out of service from 20.11.2023, through which, he has been originally transferred to Sivagangai and thereafter, transferred to Tiruchendur. He did not even obey the present transfer order which has been passed on 14.03.2024.

10. To consider the representation for transfer is one thing and to comply the order by obeying it, is another thing. The petitioner's representation can be considered only if he obeys the order of transfer and thereafter, gives a fresh representation.

11. In the event of the petitioner submitting a fresh representation, the same shall be considered by the second respondent on merits and in accordance with law and pass orders as expeditiously as possible.



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12. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

29.07.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



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R.N.MANJULA, J.

RM

Order made in
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