IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2015

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

W.A.No.1486 of 2015
and
M.P.No.1 of 2015

N.Saravanakumar .. Appellant

Vs.

1.The Government of Tamil Nadu
rep. by its Secretary,
Commercial Taxes and Registration
Department, Fort St. George,
Chennai - 9.

2.The Principal Secretary/Commissioner
of Commercial Taxes,
O/o.The Commissioner of Commercial
Taxes, Ezhilagam,
Chennai - 5.

3.K.Rajaraman
Principal Secretary/Commissioner
of Commercial Taxes,
O/O The Commissioner
of Commercial Taxes,
Ezhilagam, Chennai-5. .. Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order of this Court dated 21.09.2015 made in W.P.No.21975 of 2015. Filed Under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari calling for the records from the Second respondent in Connection with the impugned order of transfer under Proc No.CP2/10306/2015 dated

14/7/2015 issued by the second respondent unso far as transferting the petitioner from Tambaram, Assessment Circle, Chennai (East) to Assistant Commissioner (CT) (Audit)(Namakkal), Salem Division and quash the same.

For Appellant	..	Mr.V.Prakash, Sr. Counsel for Mr.K.Krishnamoorthy
For Respondent	..	Mr.P.H.Arvindh Pandian, Addl. Advocate General assisted by Mr.V.Hari Babu, Addl. Govt. Pleader (T)

JUDGMENT

(Judgment of the Court was delivered by SATISH K.AGNIHOTRI, J.)

This writ appeal is directed against the order 21.09.2015 made in W.P.No.21975 of 2015.

2.The appellant, who was the writ petitioner, was transferred and posted as Assistant Commissioner (CT) (Audit), Namakkal, Salem Division, by order dated 14.07.2015, on account of pendency of grave charges/reports of grave misconduct. The learned single Judge, noticing the allegations, dismissed the writ petition and held as under:

> "14.The second respondent should be extra careful and conscious while effecting frequent orders of transfer even in respect of officials who are facing disciplinary proceedings and they need not be subjected to frequent transfers within a short span of time. The point urged by the learned senior counsel appearing for the petitioner that in the absence of experience in assessment circle for a particular period of term, the petitioner's chances of getting promotion to higher rank is getting affected, is unsustainable in the light of the stand taken by the official respondents in para 10 of the counter affidavit which is based on Special Rule 4(c) of Tamil Nadu commercial Taxes Service Rules."

3.After dismissal of the writ petition, it is brought to our notice that the appellant/writ petitioner filed another writ petition in W.P.No.29030 of 2015, wherein charge memorandum bearing Ref.No.CD2/16647/2014-III dated 30.10.2014 was quashed.

4.The learned Additional Advocate General appearing for the State submits that the State has decided to prefer an appeal against the said order. Be that as it may, the basis of transferring the writ petitioner/appellant herein stands removed as on date as the charge memorandum, based on which, the transfer order was passed, has been quashed. It is for the appellant/State to take a decision after filing an appeal. Thus, the transfer order stands quashed. The respondents are directed to post the appellant in the same place as he was posted prior to passing of the transfer order. Accordingly, the writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

True Copy

Sub Assistant Registrar

To

1.The Secretary to Government,
Commercial Taxes and Registration
Department, Fort St. George,
Chennai - 9.

2.The Principal Secretary/Commissioner
of Commercial Taxes,
O/o.The Commissioner of Commercial
Taxes, Ezhilagam,
Chennai - 5.

+1cc to Mr.K.Krishnamoorthy, Advocate sr.60171
+1cc to The Special Government pleader Sr.60357

W.A.No.1486 of 2015

ev[co]
srg 19/11/2015