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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.No.17 of 2015
and
M.P.Nos.1 and 2 of 2015

M.Magesh Nagarajan

.. Appellant/Petitioner

.Vs.

1.Engineer in Chief,
Water Resource Department (WRD) &
Chief Engineer (General),
Public Works Department,
Government of Tamilnadu,
Chepauk, Chennai-600 005.

2.N.N.Thiyagarajan
S/o.Natesan,
Formerly Assistant Executive Engineer,
Public Works Department,
Sports Development Authority
of Tamil Nadu, Chennai,
Res.: No.2F, Salma Classic Terrace,
No.104, West Maha Church Road,
Royapuram, Chennai-600 013.

..Respondents/Respondents

This writ appeal is preferred under Clause 15 of the Letters Patent against the order of this court dated 05.01.2015 made in W.P.No.30605 of 2014.

W.P.NO.30605/2014:

Prayer:Writ Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Certiorari to call for the records of the 1st respondent herein dated 19.11.2014 vide proceedings NO. SI(1)/20100/2014-309 on the file of the respondent herein and to quash the same.



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For Appellant : Mr.P.S.Raman, SC
for M/s.G.Govindarajan

For Respondents: Mr.P.H.Arvind Pandian, AAG
assisted by Mr.P.S.Sivashanmugasundaram,
Spl.G.P for R-1
Mr.K.Venkatramani, SC
for Mr.M.Muthappan and
Mr.Sheik Parith for R-2

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JUDGMENT

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

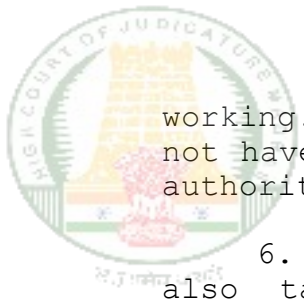
The appellant / writ petitioner questioned the validity and legality of the transfer order dated 19.11.2014, whereunder the appellant was transferred from the office of the Inspector General of Registration to the State Agricultural Marketing Board, which was subsequently modified, directing the writ petitioner to join the office of the D.P.I. Sub Division, Chennai-6.

2. The challenge of the writ petitioner before the writ court as well as before this Court is on several grounds, inter-alia, that the writ petitioner has not even worked for 1-1/2 year after deputation and the second respondent, who was transferred in his place, had not worked for two years as contemplated in the Government orders. It was further contended that the appellant was transferred during the middle of the academic year to accommodate the second respondent.

3. The learned Single Judge, considering the case of either party, held that the transfer order was passed in administrative exigency and public interest and as such, no ground is available to the writ petitioner questioning the legality of the order. It was further observed that the transfer order has been effected from one office to another office in the city of Chennai, causing no inconvenience to the family of the writ petitioner.

4. During the course of the argument, it was brought to our notice that the Inspector General of Registration and the Principal Revenue Controlling Officer, by communication dated 19.11.2014 addressed to the Engineer-Chief (W.R.D) requested to permit the writ petitioner to continue in the department till at least the closure of the financial year as his service is required in the said office.

5. It is further stated by the learned counsel appearing for the appellant, at this stage that the appellant be permitted to make a fresh representation to consider his case for posting him at an appropriate place, including at the original place where he was



working. The learned counsel appearing for the second respondent does not have much objection to consideration of the representation by the authorities.

6. Without expressing any opinion on the merits of the case and also taking into consideration the submissions of the learned Additional Advocate General that if a representation is made, the same will be considered appropriately, we reserve liberty to the appellant to make a representation on or before 3rd February, 2015. In the event of the said representation being made, the authorities shall consider the same within a period of two weeks thereafter and pass an appropriate order. In view of the foregoing, we direct to continue the status quo, as granted on 08.01.2015, for a further period of 20 days from today.

7. Accordingly, the writ petition is disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Asst. Registrar(CS III)

/true copy/

Sub Asst. Registrar.

vvk

To
Engineer in Chief,
Water Resource Department (WRD) &
Chief Engineer (General),
Public Works Department,
Government of Tamilnadu,
Chepauk, Chennai-600 005.

+1cc to M/S G.Govindarajan ,Advocate SR.No.4435
+1cc to Mr.M.Muthappan , Advocate SR.No.4718
BR(CO)
ka 30/01

W.A.No.17 of 2015
29.01.2015