

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE DR.JUSTICE P.DEVADASS

W.A.No.1741 of 2015
and
M.P.Nos.1 and 2 of 2015

C.Ashokan ... Appellant

Vs.

- 1.Tamil Nadu Civil Supplies Corporation,
rep by its Managing Director,
10,Thambuswamy Road, Chennai-10.
- 2.Tamil Nadu Civil Supplies Corporation,
rep by its Senior Regional Manager,
Nagai Region,
Nagapattinam-611 001. ... Respondents

This writ appeal is preferred under Clause 15 of Letters Patent against the order dated 24.11.2015 passed in M.P.No.2 of 2015 in W.P.No.31068 of 2015. Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to modify the order dated 01.10.2015 made in M.P.1/15 in WP 31068/15 as one of interim stay of the order No.AE.5/47055/15 dated 22.09.2015 of the 1st respondent as also proceedings No.E2/249/2015 dated 28.09.2015 as the 2nd respondent (in MP 2/15) pending disposal as the above Writ Petition (in WP 31068/15).

WP 31068/15: Petition filed under Article 226 of the constitution of India (i) to issue a writ of certiorarified Mandamus calling for the records relating to the proceedings No.AE.5/47058/15 dated 22.09.2015 as the 1st Respondent along with the proceedings No.E2/249/2015 dated 28.09.2015 of the 2nd respondent quash both the orders and consequently direct the 1st respondent to retain the petitioner at Nagai Region itself.

For Appellant : Mr.S.Venkataraman

For Respondents: Mr.L.P.Shanmugasundaram
Standing Counsel.

JUDGMENT

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

The instant appeal arises from the order dated 24th November, 2015 passed in M.P.No.2 of 2015 in W.P.No.31068 of 2015.

2 The appellant herein, impugning the transfer order dated 22nd September, 2015 issued by the first respondent, filed the instant writ petition. On considering the submission of the learned counsel for the petitioner / appellant herein, an interim order of status quo was granted on 1st October, 2015. Thereafter, the instant application in M.P.No.2 of 2015 was filed by the appellant herein, bringing to the notice of the court the fact of the appellant / petitioner being relieved from the Nagappattinam Region on 28th September, 2015, before the interim order of status quo was granted.

3 The learned Single Judge, considering the submissions of all parties, passed the following order :

"4.This Court, while granting the interim order of Status Quo on 01.10.2015, has recorded the fact that the petitioner was relieved on that date and by filing this miscellaneous petition, the petitioner seeks an order of Status Quo ante and the points urged by the learned counsel appearing for the petitioner cannot be gone into at this stage. However, the fact remains that the petitioner was relieved on 28.09.2015 itself. This Court has also directed the first respondent to consider and dispose of the petitioner's representation dated 12.11.2015 and accordingly the first respondent has considered the petitioner's representation and rejected the same, vide proceedings dated 20.11.2015 and in the light of the facts and circumstances, this Court is not inclined to grant any relief in this petition."

4 The instant appeal is filed on the ground that the learned Single Judge has found prima facie case in favour of the appellant / petitioner. Thus, even if the appellant was relieved from the original place of posting, the court ought to have stayed the proceedings. If the proceeding is kept pending for years, in the event the petitioner succeeds subsequently, he would not be entitled to have the benefit of working at the original place of posting.

5 We have examined the case from all angles. Indisputably, it is the case of transfer. The appellant / petitioner was transferred after serving for about five years in the Nagapattinam Region. There is no finding in respect of the submission of the petitioner, as aforestated in the interim order. Once the appellant is relieved from the original place of posting, there is no question of staying of the order, which amounts to quashing of the transfer order. The order sought to be impugned is unexceptionable, proper, warranting no interference.

6 Thus, the writ appeal stands dismissed. However, liberty is reserved to the parties to make appropriate application for expeditious hearing of the writ petition, if so advised. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vvk

To

- 1.The Managing Director,
Tamil Nadu Civil Supplies Corporation,
10,Thambuswamy Road, Chennai-10.
- 2.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Nagai Region,
Nagapattinam-611 001.

+1 cc to Mr.L.P.Shanmugasundaram, Advocate, sr.67917
+1 cc to Mr.S.Venkataraman, Advocate, sr.68943

W.A.No.1741 of 2015

vd co
kra 06.01.2016

WEB COPY