

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.A. No.727 of 2015 and M.P. No.1 of 2015

Albert Stephen Devaraj

Appellant

Vs.

1 The Secretary
Education Department
State of Tamil Nadu
Secretariat
Fort St. George
Chennai 600 009

2 The Registrar
In-Charge of Annamalai University
Annamalai nagar
Chidambaram 608 002

3 The Administrator
Annamalai University
Annamalai Nagar
Chidambaram 608 002

4 Sivadas Meena
Annamalai University
Annamalai Nagar
Chidambaram 608 002

Respondents

Writ Appeal filed under Clause 15 of the Letters Patent challenging the order dated 13.04.2015 made in W.P. No.23762 of 2013 on the file of this Court. Praying for issue of writ of certiorari to call for the records relating to order No.777/2013 (C3) dated 03/08/2013 issued by the 2nd respondent and quash the same.

For appellant : Mr. P.V.S. Giridhar
For R1 : Mr. K. Karthikeyan
Government Advocate

JUDGMENT

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

The instant intra-Court appeal arises from the order dated 13.04.2015 made in W.P. No.23762 of 2013.

2 The learned counsel appearing for the appellant would submit that the impugned order of transfer of the appellant dated 03.08.2013 was passed in mala fide exercise of power, which deserves to be quashed.

3 It is true that the employer has right to place an employee at appropriate place in administrative exigency and public interest. However, if the order passed is mala fide, the same is liable to be quashed. Looking into the facts of the case, the impugned transfer order was passed on 03.08.2013 and almost, twenty months have passed. Thus, without examining the case on merit and the facts of the case, as directed by the learned Single Judge, the respondent University shall consider the appellant's plea/representation for transfer and pass orders. However, rejoining at the transferred place may not be insisted before considering the said representation of the appellant.

4 The writ appeal is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar

/true copy/

Sub-Assistant Registrar

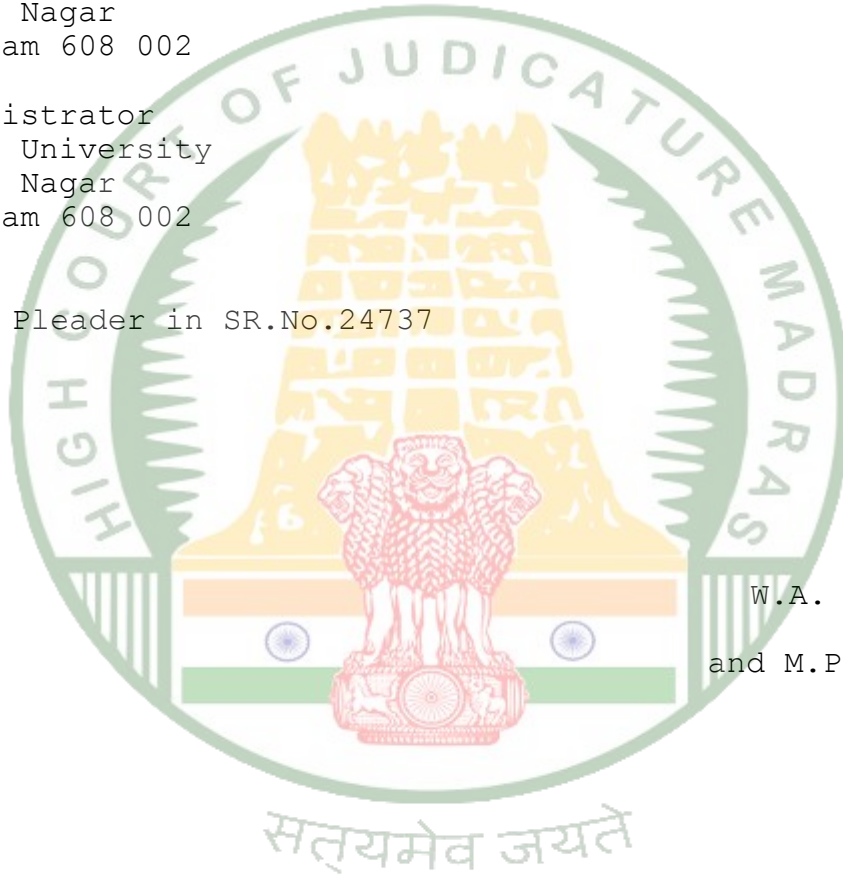
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To

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+1 CC to Govt Pleader in SR.No.24737

CO-LRS
JD 19/05/2015



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