

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.1397 of 2015 and
M.P.No.1 of 2015

Nehru Raj

... Petitioner

Vs.

Madras Sarvodaya Sangh, Rep.
By the Secretary,
No.199, Lingi Chetty Street,
Chennai - 600 001.

... Respondent

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus, to call for the records in Ref.No.MSS/2-22/2014-2015/10 dated 18.11.2014 on the file of the respondent herein and quash the same as illegal and direct the respondent to transfer the petitioner from Keal Ambi Branch, Kancheepuram District to Ayanavaram Branch, Chennai to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.Balan Haridass

O R D E R

The petitioner was an employee of Madras Sarvodaya Sangh. While functioning as Salesman, the petitioner was transferred from Ayanavaram Branch to Keal Ambi Branch, Kancheepuram. The transfer order is challenged in this writ petition primarily on the ground that being a Salesman, it would not be possible for him to travel to Kancheepuram from Ayanavaram and work there.

2. The respondent has filed a counter affidavit challenging the maintainability of the writ petition on the ground that the respondent is not a State within the meaning of Article 12 of the Constitution of India and as such, writ petition against the respondent is not maintainable. Without prejudice to the said contention, the respondent has taken up a plea that the petitioner though joined duty on 20.11.2014, failed to turn up thereafter till date. According to the respondent, the petitioner is deliberately causing inconvenience to the respondent.

3. I have heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

4. The petitioner is a Salesman in Madras Sarvodaya Sangh. He has demonstrated that it would not be possible for him to travel such a long distance from Ayanavaram by spending considerable amount towards bus fare. I am therefore of the view that the request made by the petitioner for accommodating him at a nearby place should be considered by the respondent without prejudice to their contention that the writ petition is not maintainable.

5. The petitioner is directed to join duty at Keal Ambi Branch, Kancheepuram forthwith. He should work there for a minimum period of 30 days for the purpose of considering his application for transfer to a nearby place. Liberty is granted to the petitioner to submit a representation for transfer after working for a minimum period of 30 days at Kancheepuram. In case any such application is made, the same shall be considered and disposed of by the respondent on merits and by taking into account the difficulties pleaded by the petitioner in this writ petition. Such exercise shall be completed within a period of 30 days from the date of receipt of representation.

6. The writ petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

svki

To

The Secretary,
Madras Sarvodaya Sangh, Rep.
No.199, Lingi Chetty Street,
Chennai - 600 001.

+1cc to Mr.PE.Thamizhiniyan, Advocate, S.R.No.11053
+1cc to Mr.Balan Haridass, Advocate, S.R.No.10979

W.P.No.1397 of 2015

NM(CO)
CA(11/03/2015)