

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2015

CORAM

The Honourable Mr.JUSTICE D. HARIPARANTHAMAN

Writ Petition No.20630 of 2015

S.Sudhakar

... Petitioner

Vs.

1. The Principal Secretary/ Transport Commissioner,  
Chepauk,  
Chennai - 600 005.

2. The Secretary,  
State Transport Appellate Tribunal,  
High Court Building,  
Chennai - 600 104.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 1<sup>st</sup> respondent in proceedings in R.No.62446/R2/2014 dated 02.01.2015 and quash the same and direct the respondent to reconsider the representations dated 24.03.2014, 18.06.2014, 30.04.2014 as well as 15.07.2014 and pass transfer order within a stipulated time as fixed by this Court.

For Petitioner : Mr.P.Prakash Paul

For Respondents : Mr.V.Jayaprakash Narayanan,  
Special Government Pleader.

ORDER

Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice for the respondents.

2. With consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner is working as a Typist in the State Transport Appellate Tribunal in Chennai from 22.03.2013, while his wife is working at Mahila Fast Track Court at Tiruvannamalai. The petitioner has eight years old daughter studying in Third Standard. In these circumstances, the petitioner made various representations to transfer him to Tiruvannamalai or to Arani and in one of the representations, he confined his request to Arani alone. Thereafter, he filed W.P.No.29817/2014 seeking to consider his representation for transfer at Tiruvannamalai or at Arani.

4. This Court, by order dated 25.11.2014, directed the 1<sup>st</sup> respondent to pass orders on the representation of the petitioner, on merits and in accordance with law. Now, the first respondent/Transport Commissioner has passed the impugned order dated 02.01.2015, rejecting the request of the petitioner.

5. I have perused the impugned order and I have also heard the submissions of both sides.

6. The Transport Commissioner has proceeded as if the petitioner claims transfer from Tiruvannamalai as a matter of right. It is not so. But it is only his request to consider his claim based on the Government guidelines and also taking into account the aforesaid facts.

7. In fact, in the impugned order, it is noted that there is consolidated instructions issued in Government Letter No.23897 dated 05.08.1998 that the transfer policy should be considered as per guidelines in effecting transfers and it does not confer any right on the Government servants.

8. One of the guidelines issued in Government letter No.21086/Services/1994-1 dated 21.03.2014 is that the spouse working in different place could be posted at one place or nearby place. The petitioner has brought to my notice, the aforesaid guidelines dated 21.03.2014. He did not claim transfer as a matter of right. It is a different matter if the authority has stated that there is no vacancy available at Tiruvannamalai or at Arani. In the impugned order, it is simply stated that the transfer need not be done now and it will be considered based on administrative need, if any that may arise later.

9. In these circumstances, I am inclined to quash the impugned order. Accordingly, the impugned order dated 02.01.2015 passed by the first respondent is quashed and the matter is remitted back to the first respondent/Transport Commissioner, to consider the matter in the light of the grievance expressed by the Government Servant and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

10. The writ petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vsi

To

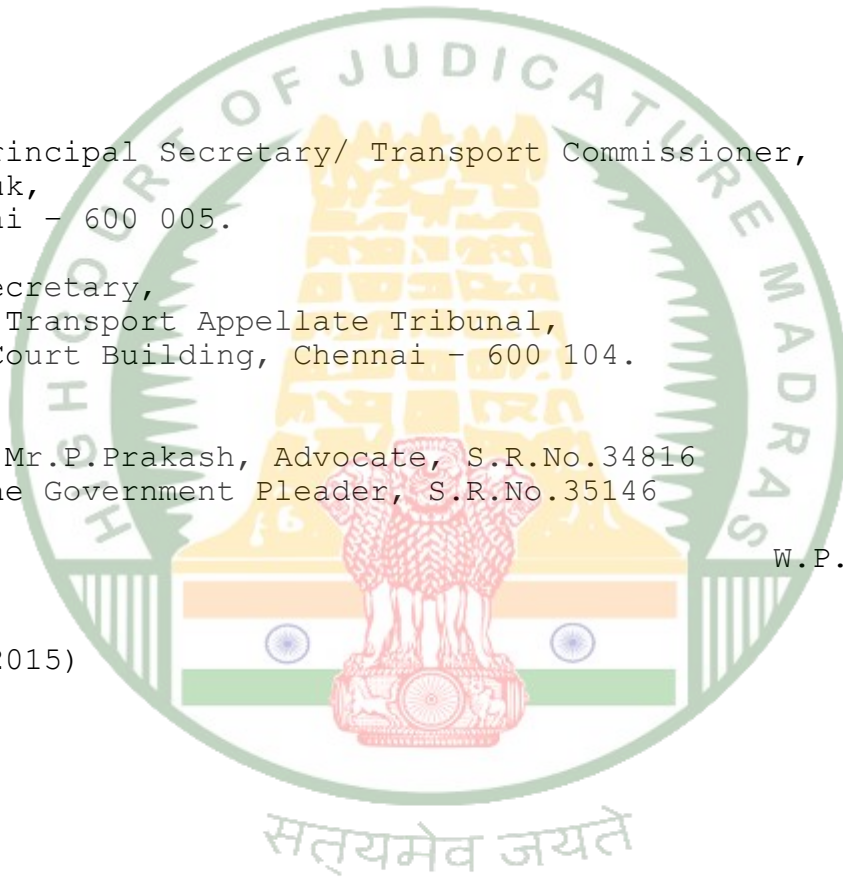
1. The Principal Secretary/ Transport Commissioner,  
Chepauk,  
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2. The Secretary,  
State Transport Appellate Tribunal,  
High Court Building, Chennai - 600 104.

+2cc's to Mr.P.Prakash, Advocate, S.R.No.34816

+1cc to the Government Pleader, S.R.No.35146

W.P.No.20630 of 2015

LRS (CO)  
CA(16/07/2015)



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