

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.27945 of 2015
and M.P.No.1 of 2015

S.Selvakumar

... Petitioner

Vs.

1. The Tamil Nadu Agricultural University,
Coimbatore - 641 003
Represented by its Registrar
2. The Registrar (I/c),
Tamil Nadu Agricultural University,
Coimbatore - 641 003
3. The Director, Water Technology Center,
Tamil Nadu Agricultural University,
Coimbatore - 641 003

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records relating to the proceedings of the second respondent, dated 27.08.2015, made in No.R3/13131/(SWC)/2015, in so far as transferring the petitioner from non-plan Directorate of Water Technology Center, Coimbatore, to ICAR-KVK, Regional Research Station, Aruppukottai and quash the same

For Petitioner : Mr. K.Rajasekaran

For Respondents : Mr. Abdul Saleem(standing Counsel)

O R D E R

Admit. Mr.Abdul Saleem, learned Standing Counsel, takes notice for the respondents. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner would state that he is at present working as an Assistant Professor in Tamil Nadu Agricultural University, Coimbatore and vide transfer order dated 04.04.2015 passed by the first respondent, he was transferred to Aruppukottai and it was put to challenge by filing W.P.No.10654 of 2015. This Court, vide an order dated 13.04.2015, has taken note of the fact that the petitioner belongs to Schedule Caste community and his wife belongs to Backward Class Community and since their marriage was an inter-caste marriage, it was not recognized by both the families and he has to look after his wife, who was in the advanced stage of pregnancy and also taken note of the fact that they are having a female child aged about 2½

years and therefore, directed the respondents therein to retain the petitioner at Coimbatore till October 2015 and granted liberty to the respondents to implement the impugned order of transfer thereafter.

3. The first respondent, in compliance of the said order, vide his proceedings dated 23.04.2015 has permitted the petitioner to continue his services at Water Technology Center, Coimbatore, against the vacant post of Assistant Professor (SWV), under non-plan transfer from Directorate of Extension Education, Coimbatore. Thereafter, the first respondent has passed the impugned proceedings dated 27.08.2015 transferring the petitioner to the Regional Research Station, Aruppukottai, on the ground that he has been elevated to Higher (Additional) Grade Pay from Rs.7,000/- to Rs.8,000/-. Challenging the legality of the said order, the petitioner has come forward to file this writ petition.

4. Heard the learned counsel for both sides.

5. The learned counsel for the petitioner would submit that though the first respondent, in compliance of the order, dated 13.04.2015 made in W.P.No.10654 of 2015, has permitted the petitioner to continue his services at Coimbatore, under the guise of granting elevation to the Higher Grade Pay has once again transferred him to Aruppukottai; since the wife of the petitioner is in advanced stage of pregnancy and as she is also having other medical complications, the petitioner may be retained in the said post at Coimbatore at least till the end of October 2015 and he may be permitted to submit a representation to the first respondent for his retention for further period of three months at Coimbatore.

6. Per contra, the learned Standing Counsel for the respondent, who accepts notice on behalf of the respondents, submitted that since the petitioner has been granted elevation to the Higher Grade Pay, he has been transferred to Aruppukottai and therefore, he cannot make out any grievance.

7. This Court has carefully considered the submissions made by the learned counsel for both sides and perused the materials available on record.

8. It is not in dispute that in compliance of the order dated 13.04.2015 made in W.P.No.10654 of 2015 the service of the petitioner has been retained at Coimbatore till October 2015 and in pursuant of the impugned order, in and by which, the petitioner was granted elevation to Higher Grade Pay and has been transferred to Aruppukottai.

9. The fact remains that the wife of the petitioner is at the advanced stage of pregnancy and she is expected to deliver baby at the end of October 2015. Therefore, this Court is of the considered view that the petitioner is to be retained at Coimbatore, in the present position, at least till October 2015. Therefore, this Court hereby directs the first respondent to retain the petitioner at

Coimbatore, in his present post, till the end of October 2015.

10. In so far as the plea made by the learned counsel for the petitioner that since there is some complication relating to pregnancy of the wife of the petitioner and for that purpose, the petitioner may be retained at Coimbatore for a further period of three months, this Court permits the petitioner to submit a representation in this regard to the first respondent within a period of one week from the date of receipt of a copy of this order and the first respondent, on receipt of the same, is directed to consider the said representation, in accordance with law, within a further period of four weeks thereafter and communicate the decision taken to the petitioner.

11. This writ petition is disposed of accordingly. No costs. Consequently, the connected MP is closed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

srk

To

1. The Registrar
The Tamil Nadu Agricultural University,
Coimbatore - 641 003
2. The Registrar (I/c),
Tamil Nadu Agricultural University,
Coimbatore - 641 003
3. The Director, Water Technology Center,
Tamil Nadu Agricultural University,
Coimbatore - 641 003

1 cc to Mr. K.Rajasekaran , Advocate Sr.No.48170

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