

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.32133 of 2015

and

M.P.No.1 of 2015

V.Shanmugam

... Petitioner

Vs

1. The Director of Municipal
Administration
Chepauk, Chennai 600 005

2. The Municipal Commissioner
Rasipuram Municipality
Namakkal District

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the proceedings of the first respondent in Roc.No.13485/2015/K1 dated 14.9.2015, in transferring the petitioner from Rasipuram to Gudalur (Nilgiri) Municipality and the subsequent relieving order issued by the Municipal Commissioner, Rasipuram Municipality, Rasipuram in Na.Ka.No.C1/4180/15 dated 14.9.2015, quashing the same and directing the first respondent to re-transfer the petitioner to the original post as Municipal Manager, Rasipuram Municipality within a stipulated time.

For Petitioner : Ms.G.Sridevi

For Respondents : Mr.V.Subbiah
Special Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that he was promoted to the post of Municipal Manager and posted at Rasipuram Municipality on 20.9.2013, and while discharging his duties, has settled nearly 1700 Audit Objections and was also given a Certificate of Commemoration on 3.4.2013; however, to his shock and surprise, he was transferred to Gudalur (Municipality), Nilgiris District on 14.9.2015, by the first

respondent and challenging the legality of the said order, came forward to file this writ petition.

3.The learned Counsel appearing for the petitioner, would submit that the petitioner after promotion, has served at Rasipuram Municipality for a period of two years and though he is aged about 50 years, he has been transferred to a hilly area and it may be very difficult for him to serve in that place due to his age and no reasons have been assigned in the impugned order for transferring him to the said place within a period of two years and hence, prays for appropriate orders.

4.Per contra, Mr.V.Subbiah, learned Special Government Pleader, who accepted notice on behalf of the respondents, would submit that transfer is incident of service and the petitioner being a Government/Public Servant, is expected to work anywhere in the State and prays for dismissal of this writ petition.

5.This Court has considered the rival submissions and also perused the materials placed before it.

6.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the first respondent to consider the petitioner's representation dated 16.9.2015, on merits and in accordance with law and pass orders thereon within a period of three weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

nsv
To:

सत्यमेव जयते Sub Assistant Registrar

1. The Director of Municipal Administration
Chepauk, Chennai 600 005
2. The Municipal Commissioner
Rasipuram Municipality
Namakkal District

+1cc to M/s.G.Sri Devi, Advocate, S.R.No.55125
+1cc to the Government Pleader, S.R.No.55496

W.P.No.32133 of 2015

UG(CO)
CA(14/10/2015)