



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2015

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition (MD) No.17084 of 2014

WEB COPY

N.Rajamanickam

...

Petitioner

Vs.

1.The Commissioner of Municipal Administration,
and Water Supply Department,
Ezhilagam, Chepauk,
Chennai.

2.The Commissioner,
Trichy City Municipal Corporation,
Trichirappalli.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records pertaining to the Impugned Order dated 14.10.2014 passed by the 2nd respondent herein in his Na.Ka. No. 4624/2014 C1 (Maiyam) and quash the same.

For Petitioner : Mr.V.Illanchezian

For 1st Respondent : Mr.M.Rajarajan,
Government Advocate.

For 2nd Respondent : Mr.N.S.Karthikeyan,
Additional Government Pleader.

ORDER

The petitioner is aggrieved against the order of transfer passed by the second respondent dated 14.10.2014 transferring him as Superintendent in the Srirangam zonal office from the post of Assistant Revenue Officer of the same zone.

2.The contention of the petitioner is that even though it is referred to in the impugned order of transfer as though it was made on administrative reason, it was made as a punitive measure to deny further promotion to the petitioner.

3.According to the petitioner, the transfer made from the post of Assistant Revenue Officer to the post of Superintendent itself is not correct.

4.A perusal of the counter affidavit filed by the second respondent would show that the petitioner was not transferred purely based on administrative reason as stated in the impugned communication and on the other hand, he was posted in the present place of working based on C/P/MS/ allegations levelled against him and lapses said to have been committed by the petitioner. If that be the reason, the petitioner should have been given a fair opportunity of hearing before



passing the impugned order. In this case, admittedly, it has not been done so. Therefore, the writ petition is disposed of only with a direction to the second respondent to issue a notice to the petitioner and after hearing him pass fresh orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. As the petitioner has already joined and is working in the transferred place from 14.10.2014 onwards, the petitioner shall continue to work in the said place subject to the order to be passed by the second respondent as directed *supra*. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Commissioner of Municipal Administration,
and Water Supply Department,
Ezhilagam, Chepauk,
Chennai.

2.The Commissioner,
Trichy City Municipal Corporation,
Trichirappalli.

+1cc to Mr.V.Illanchezian,Advocate, SR.No.5158
+1cc to Mr.N.S.Karthikeyan,Advocate, SR.No.4830
+1cc to Special Govt.Pleader SR.No.4977

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sms

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