

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2016

CORAM

**THE HON'BLE MR.JUSTICE B.RAJENDRAN**

Contempt Petition No.2442 of 2015,  
Sub Application (OS) No.214 of 2016  
W.P.Nos.21065 and 24628 of 2015  
M.P.Nos.1 of 2015, 2 of 2015 and 4 of 2015

Contempt Petition No.2442 of 2015

M.Murugesan

...Petitioner

Versus

S.Senthamarai, I.A.S.

The Additional Director of Agriculture,  
Personnel Management (In-charge),  
O/o. The Directorate of Agriculture,  
Chepauk,  
Chennai - 600 005.

... Respondent

Contempt petition filed under Section 11 of Contempt of Court Act 1971, to punish the respondent for disobedience of the order passed by this Court in M.P.No.2 of 2015 in W.P.No.21065 of 2015 dated 14.07.2015.

For Petitioner : Mr. M.Venkatachalapathy, Senior Advocate  
for Mr.K.Rajasekaran

For Respondent : Mr.I.Arokiasamy,  
Government Advocate

W.P.No.21065 of 2015

M.Murugesan

... Petitioner

Versus

1. The Director /Commissioner of Agriculture,  
The Directorate of Agriculture,  
Chepauk,  
Chennai - 600 005.

2. The Additional Director of Agriculture,  
Personnel Management (In-charge),  
Directorate of Agriculture,  
Chepauk,  
Chennai - 600 005.

3. The Joint Director of Agriculture,  
Agastheeswaram,  
Nagercoil,  
Kanyakumari District.

4. Tha.Jasmine Latha,  
Assistant Director for Agriculture,  
O/o. Joint Director of Agriculture,  
Agastheeswaram Division,  
Nagercoil,  
Kanyakumari District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of certiorari, to call for the records on the file of the 2<sup>nd</sup> respondent in connection with the order passed in reference No.Pa.a.pa2/10891/2015-6 dated 29.06.2015 and quash the same.

For Petitioner : Mr.M.Venkatachalapathy, Senior Advocate  
for Mr.K.Rajasekaran  
For R1 to R3 : Mr.I.Arokiasamy  
Government Advocate

**W.P.No.24628 of 2015**

R.Joylin Sophia

... Petitioner

Versus

1. The Director /Commissioner of Agriculture,  
The Directorate of Agriculture,  
Chepauk,  
Chennai - 600 005.

2. The Additional Director of Agriculture,  
Personnel Management (In-charge),  
O/o. The Directorate of Agriculture,  
Chepauk,  
Chennai - 600 005.

3. The Joint Director of Agriculture,  
Agastheeswaram,  
Nagercoil,  
Kanyakumari District.

4. Mr.Murugesan

5. Mrs.Jasmine Latha,  
 Assistant Director for Agriculture,  
 O/o. Joint Director of Agriculture,  
 Agastheeswaram Division,  
 Nagercoil,  
 Kanyakumari District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, to forbear the respondents 1 to 3 from re-transferring the petitioner from Nagercoil to any other place as Assistant Director of Agriculture (Quality Control) till completing the period of three years from 11.07.2015.

For Petitioner : M/s.S.Kingston Jerold  
 For R1 to R3 : Mr.I.Arokiasamy,  
 Government Advocate

**COMMON ORDER**

According to the petitioner in WP No. 21065 of 2015, he sought for mutual transfer to Nagercoil. In the application for such mutual transfer, the petitioner sought to be transferred from Agastheswaram to Nagercoil where the fourth respondent - Jasmine Latha was working. Similarly, Jasmine Latha wanted to be transferred to Agastheswaram where the petitioner was working. However, by the order dated 29.06.2015, while transferring Jasmine Latha to the place of the petitioner (Agastheswaram), the petitioner was transferred to Sathankulam, Tuticorin, instead of Nagercoil. Therefore, aggrieved by the order of transfer dated 29.06.2015, the petitioner has filed WP No. 21065 of 2015.

2. Pending writ petition, this Court passed an order of

interim stay on 14.07.2015 in MP No. 2 of 2015 in WP No. 21065

of 2015. As the interim order has not been complied with, the petitioner has filed Contempt Petition No. 2442 of 2015.

3. In the meantime, Writ Petition No. 24628 of 2015 has been filed by one of the persons who has been affected by the order of transfer dated 29.06.2015 and therefore, she filed the writ petition No. 24628 of 2015 praying for a writ of mandamus to forbear the official respondents 1 to 3 from re-transferring her from Nagercoil to any other place as Assistant Director of Agriculture (Quality Control) till she completes three years of service from 11.07.2015.

4. Today, when the contempt petition is taken up for hearing, the learned Senior Counsel appearing for the petitioner in W.P.No.21065 of 2015 brought to the notice of this Court that during the pendency of this case, the order dated 29.06.2015, which is impugned in WP No. 21065 of 2015 was cancelled by an order dated 18.07.2016. As per the order dated 18.07.2016, the petitioner was transferred to Melpuram, Kanyakumari District. According to the learned Senior counsel for the petitioner, the petitioner is willing to join Melpuram, Kanyakumari District as per the order dated 18.07.2016, however, the learned Senior counsel for the petitioner only prayed that the period of service in the interregnum has to be regularised by the respondents especially when this Court has granted interim stay on



5. Having regard to the above submission of the learned Senior counsel for the petitioner that the order dated 29.06.2015, which is impugned in the WP No. 21065 of 2015 and which is the subject matter of the contempt petition No. 2442 of 2015 has been rescinded by an order dated 18.07.2016 and the petitioner is also willing to join the transferred place, no further orders are necessary in the Contempt Petition as well as in W.P.No.21065 of 2015. Accordingly, the Contempt Petition is closed and both writ petitions are closed. However, it is made clear that in view of the order of interim stay granted by this Court, the period during which the petitioner could not join duty in the transferred place shall be regularised by the Department in accordance with law. Further, the petitioner is directed to join duty at Melpuram, Kanyakumari, as per the order dated 18.07.2016 on 22.08.2016. No costs. Consequently, connected miscellaneous petitions and sub application are closed.

SD/  
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the      day of      2016.

COURT OFFICER(O.S.)

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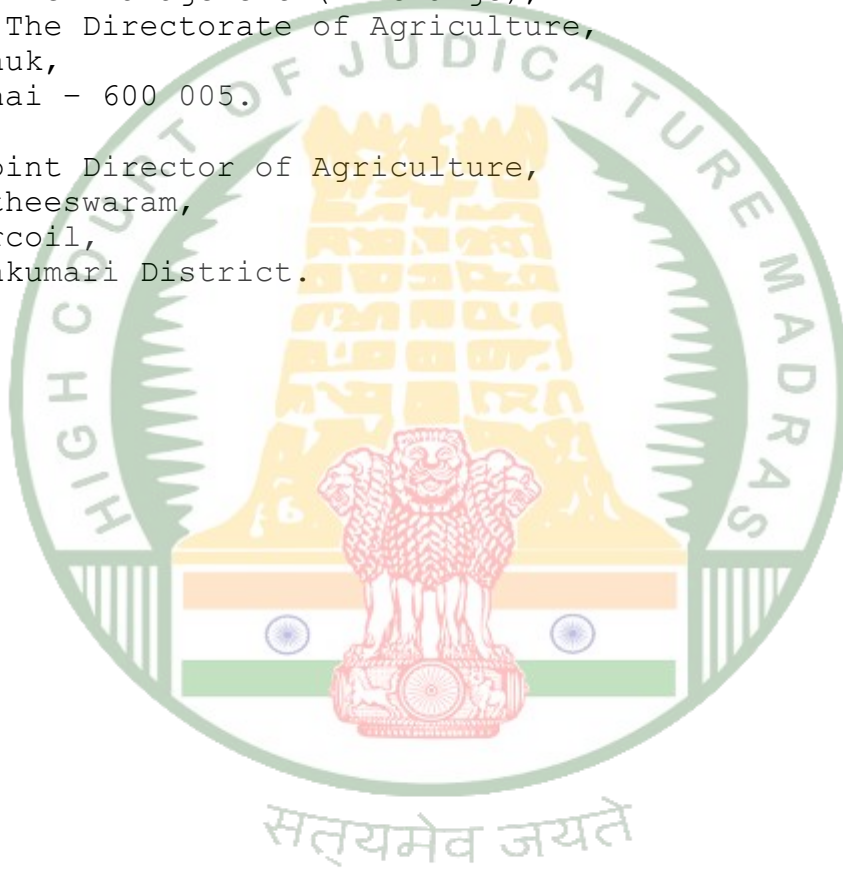
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<https://hcservices.courts.gov.in/hcservices> .K.Rajasekaran, Advocate, SR.10440/2016

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To

1. The Director /Commissioner of Agriculture,  
The Directorate of Agriculture,  
Chepauk,  
Chennai - 600 005.
2. The Additional Director of Agriculture,  
Personnel Management (In-charge),  
O/o. The Directorate of Agriculture,  
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