

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.1448 of 2016
and
W.M.P.No.1209 of 2016

K.Kumar
S/o.Kandasamy,
Thoppalam Kattu Valavu,
Sakkarchettipatti Village,
Omalur Taluk,
Salem District - 636 305 .. PETITIONER

Vs

1. The District Collector,
Salem District,
Salem.
2. The Sub Collector,
Mettur,
Salem District.
3. The Tahsildar,
Omalur Taluk,
Omalur, Salem District.
4. Tr.Mohan,
Village Assistant,
C/o.Tahsildar,
Omalur, Salem District

.. RESPONDENTS

Prayer: The Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the 3rd Respondent in Se.Mu.No.2141-2014 (A4) dated 28.11.2014 and quash the same in so far as transfer of the petitioner and the 4th Respondent is concerned and re-transfer the Petitioner to Thumbipadi Village of Omalur Taluk Salem District.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.S.Gunasekaran
Government Advocate.

O R D E R

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

2. Though the writ petition has been filed seeking to challenge the order of transfer passed by the third respondent vide Se.Mu.No.2141-2014(A4) dated 28.11.2014, the learned counsel for the petitioner submitted that it would suffice if a direction is issued to the first respondent to consider the representation of the petitioner dated 09.07.2015.

3. Heard M.Ravi, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate, who accepts notice for respondents.

4. The learned counsel for the petitioner would submit that the petitioner belongs to Schedule Caste community and he is a differently abled person with 60% disability. He was appointed as Village Assistant in Mylapalayam Village, Omalur Taluk, Salem District on 19.09.2007. The petitioner was transferred to accommodate the fourth respondent who has made a request for transfer.

5. This Court, considering the submission of the learned counsel for the petitioner and in the light of above facts, directs the first respondent to consider the petitioner's representation dated 09.07.2015, and pass orders on merits and in accordance with law, by giving due opportunity to the petitioner as well as to the fourth respondent, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions is closed.

srn

s/d-

Assistant Registrar (AS)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Salem District,
Salem.

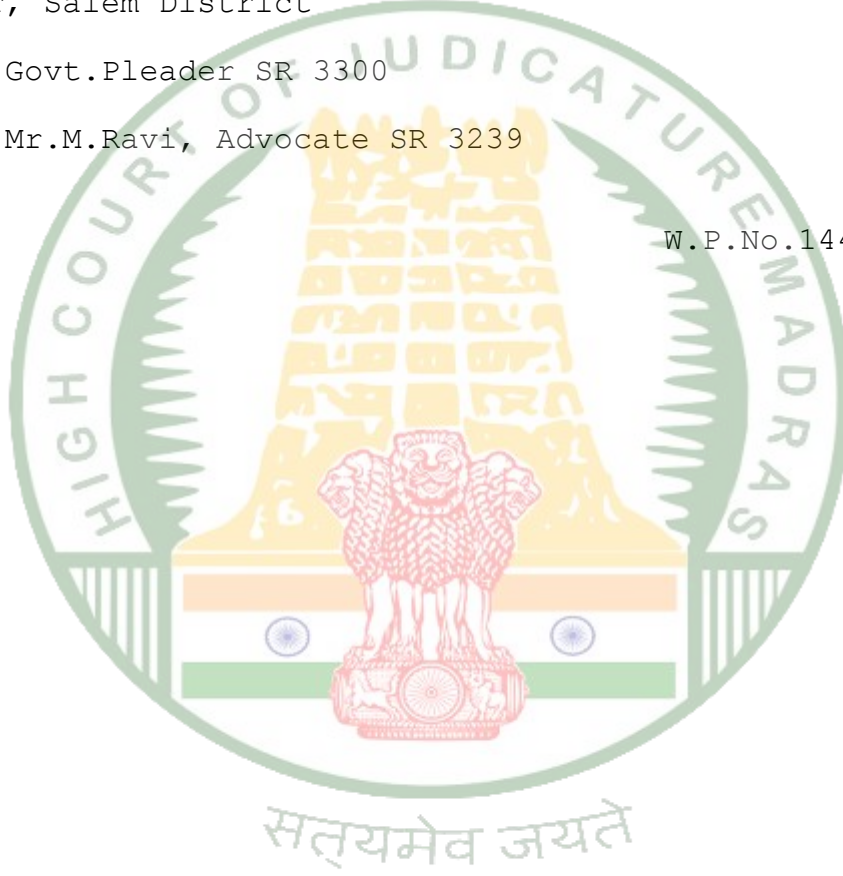
2. The Sub Collector,
Mettur,
Salem District.
3. The Tahsildar,
Omalur Taluk,
Omalur, Salem District.
4. Tr.Mohan,
Village Assistant,
C/o.Tahsildar,
Omalur, Salem District

+ 1 cc to Govt.Pleader SR 3300

+ 1 cc to Mr.M.Ravi, Advocate SR 3239

rsy(co)
prk25/2

W.P.No.1448 of 2016



WEB COPY