

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01-06-2016

Coram :

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Writ Petition No. 19 of 2016

C. Chandrappa

.. Petitioner

Versus

1. The Commissioner
Rural Development and Panchayat Raj Department
Panagal Building, Saidapet
Chennai - 600 015
2. The District Collector
Kancheepuram District
3. The District Collector
Krishnagiri District
4. The Commissioner
Thiruporur Panchayat Union
Kancheepuram District
5. The Commissioner
Panchayat Union
Thalli, Krishnagiri
6. The Deputy Block Development Officer
Thiruporur, Kancheepuram

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the respondents 1 and 2 to consider the representation dated 21.08.2015 seeking for a direction to transfer the petitioner from the 4th respondent and post him in the 5th respondent Panchayat.

For Petitioner : Mrs. R. Poornima

For Respondents : Mr. A. Kumar
Special Government Pleader for RR1 & 3
Mr. Rm. Muthukumar for R2

ORDER

The petitioner seeks for issuance of a Writ of Mandamus directing the respondents 1 and 2 to consider his representation dated 21.08.2015 which was submitted to transfer him from the 4th respondent Panchayat to the 5th respondent Panchayat.

2. The petitioner was working as Night Watchman from 03.07.2008 in Kattukuttai Panchayat Union and from 30.01.2014, he was transferred and posted in Thiruporur Panchayat Union. According to the petitioner, his aged parents, wife and three children were residing at Krishnagiri and he is working in Thiruporur Panchayat Union. It is further stated that his wife died recently and his parents could not take care of his three children due to their old age. In such circumstances, on the request of the petitioner, a resolution dated 25.07.2015 was passed by the Thiruporur Panchayat Union resolving to transfer him to Krishnagiri subject to the concurrence of the District Collector. At this stage, there was a vacancy arose to the post of Night Watchman in Thali Panchayat Union and Thali Panchayat Union also passed a resolution on 10.08.2015 to absorb the petitioner. However, till date, no action has been taken to transfer the petitioner to Krishnagiri. The petitioner also submitted representations dated 21.08.2015 and 19.10.2015 to the respondents, but no order has been passed.

3. The learned counsel for the petitioner would only pray this Court to issue appropriate direction to the respondents to consider the request of the petitioner on the basis of his representations within a specified time limit.

4. The respondents 1 and 2 as well as the fourth respondent have filed their respective counter affidavits contending interalia that the transfer application submitted by the petitioner was not in the prescribed format and therefore it was returned back to him for compliance. The learned Additional Government Pleader appearing for the respondents 1 and 3 therefore would submit that if the petitioner submits the application seeking transfer in the prescribed form, the respondents will be in a position to consider the same.

5. Having regard to the above submission of the counsel for both sides, without expressing any opinion on merits, the petitioner is directed to submit the application seeking transfer to the second respondent in the format prescribed within a period of two weeks and on receipt of the same, the second respondent shall pass appropriate orders thereon on merits and in accordance with law, within a period of six weeks thereafter.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1. The Commissioner
Rural Development and Panchayat Raj Department
Panagal Building, Saidapet
Chennai - 600 015
2. The District Collector
Kancheepuram District
3. The District Collector
Krishnagiri District
4. The Commissioner
Thiruporur Panchayat Union
Kancheepuram District
5. The Commissioner
Panchayat Union
Thalli, Krishnagiri
6. The Deputy Block Development Officer
Thiruporur, Kancheepuram

1 cc to Mrs.R. Poornima, Advocate, Sr. 29089
1 cc to Government Pleader, Sr. 29214

WP No. 19 of 2016

SR (CO)
kk 16/6

सत्यमेव जयते

WEB COPY