

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 29.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.21946 of 2016 &

W.M.P.No.18778 of 2016

R.Selvam

... Petitioner

-vs-

The Director General,
Highways, Guindy,
Chennai - 600 025.

... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondent to transfer the petitioner from Karur Highways Division to Thiruvavarur Highways Division as Superintendent in the place of Tmt.Arokiyamarry (Superintendent) who is going to be retired from service on superannuation w.e.f. 30.06.2016 as per the transfer application of the petitioner dated 25.05.2016.

For Petitioner : Mr.S.Doraisamy
For Respondent : Mr.S.Gunasekaran
Additional Government Pleader

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondent to transfer him from Karur Highways Division to Thiruvavarur Highways Division, as Superintendent in the place of Tmt.Arokiyamarry (Superintendent), who is retired from service on superannuation w.e.f. 30.06.2016 as per the transfer application of the petitioner dated 25.05.2016.

2.It is the case of the petitioner that he was appointed as Junior Assistant on 28.09.1987 in the Highways Department and promoted as Assistant on 05.04.1999 and subsequently, promoted as Superintendent on 28.05.2014 and posted at Karur Sub-Division of the Highways. Thereafter, he requested the respondent that after the promotion, he may be posted at Thiruvavarur Division, as Superintendent in the existing vacancy. The petitioner filed W.P.No.34211 of 2014 to consider his request to transfer him from Karur to Thiruvavarur Division, which was disposed of by this Court on 24.12.2014. On

10.03.2015, the respondent sent a communication to the petitioner stating that one station to another a Government servant should have completed one year of service in the previous station and since he has not completed one year at Karur, his request was not taken into consideration. According to the petitioner, he was transferred to Karur Division on 02.07.2014 and now, he has completed two years of service. In this regard, the petitioner made a representation dated 25.05.2016 to the respondent to consider his request to transfer him from Karur Division to Thiruvarur Division. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition.

3.The learned Additional Government Pleader appearing for the respondent filed a detailed counter affidavit, wherein, it is stated as follows:

"It is submitted that at present there is no vacancy in the post of Superintendent in the Highways Department in Thiruvarur District. And one Tmt.S.Mohana, Superintendent, Thiruvarur (H)C&M Sub-division is going to retire from service on superannuation on 31.05.2017. Thus a vacancy will arise on 1st June 2017. If any application received through proper channel from the petitioner requesting transfer for the above said arising vacancy on 01.06.2017 or for the other vacancies which may arises due to various reasons like transfer or promotion in Thiruvarur District it will be considered on merits in accordance with rules and regulations."

4.Recording the above said submission made by the learned Additional Government Pleader appearing for the respondent in his counter affidavit, this Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

sri

To

The Director General,
Highways, Guindy,
Chennai - 600 025.

1 CC to M/S.S.Doraisamy Advocate SR.56025
1 CC Government Pleader SR.56467

W.P.No.21946 of 2016

RP (CO)
CS 12/11/2016



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