

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2016

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THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.22191 of 2016
and
WMP.No.18927 of 2016

K.Thirunavukarasu

.. Petitioner

Vs.

- 1.Director of Public Library
Office of Directorate of Public Libraries,
No.737/1, Anna Salai,
Chennai 600 002.
- 2.District Library Officer,
No.2C, Weaver Colony,
Dharmapuri 636 701.
- 3.P.Madhaiyan
District Library officer (In-charge)
No.2C, Weaver Colony,
Dharmapuri 636 701.
- 4.N.P.Muthusamy
Librarian Grade III
Kadakathur,
Dharmapuri District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the concerned records from the second respondent, quash the order of the second respondent dated 15.06.2016 bearing Na.Ka.No.2980/A1/2015 as illegal, arbitrary, without power and issued in a malafide exercise of power and consequently direct the respondents to retain the petitioner as Senior Librarian at Bommi Mallapuram Library, Dharmapuri District.

For Petitioner	:	Mr.Balan Haridas
For Respondents	:	Mr.M.S.Ramesh, AGP

ORDER

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. The petitioner has filed this writ petition to quash the order of the second respondent dated 15.06.2016 and consequently direct the respondents to retain him as Senior Librarian at Bommidi Mallapuram Library, Dharmapuri District.

3. The case of the petitioner is that initially, he was appointed as Night Watchman on 09.12.1990. Subsequently, he was promoted to various posts and lastly to the post of Grade III Librarian. Now, he is working in Bommidi Mallapuram Branch Library as Senior Librarian. While so, he applied for medical leave due to cervical spondylitis and he is on leave from 02.06.2016 for 28 days. At that time, due to previous enmity with the petitioner, by the impugned order dated 15.06.2016, the third respondent, who is the District Library Officer (in-charge), Dharmapuri, has transferred the petitioner from Bommidi Mallapuram Branch Library to Kadakathur Branch Library and appointed one N.P.Muthusamy, who is the fourth respondent herein, in the place of the petitioner. Aggrieved over the same, the petitioner is before this Court with the present writ petition.

4. After making elaborate arguments challenging the impugned order of transfer, learned counsel for the petitioner submitted that since the petitioner is on medical leave, he has submitted a representation dated 17.06.2016 informing exigency and it would suffice, if the said representation is directed to be disposed of by the first respondent at an early date, for which, learned Additional Government Pleader appearing for respondents 1 and 2 has no serious objection.

5. In view of the above, this Court, without going into the merits of the claim made by the petitioner, directs the first respondent, to consider the representation of the petitioner, dated 17.06.2016 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as to respondents 3 and 4, within a period of two weeks from the date of receipt of a copy of this order. Since only a direction is issued to the first respondent, there is no necessity to issue notice to respondents 3 and 4 in this writ petition.

6. The Writ Petition is disposed of accordingly. No costs.
Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. Director of Public Library
Office of Directorate of Public Libraries,
No.737/1, Anna Salai,
Chennai 600 002.

2. District Library Officer,
No.2C, Weaver Colony,
Dharmapuri 636 701.

+1 cc to Mr. Balan Haridass Advocate sr.35851
+1 cc to Government Pleader High Court Madras
sr.36312

W.P.No. 22191 of 2016

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