

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.NO.9500 OF 2016

AND W.M.P.NOS.8543 AND 8544 OF 2016

S.Syed Ibrahim Khaleel .. Petitioner

Vs.

The Tamil Nadu Wakf Board
Rep. By its Chief Executive Officer
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai. ... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records of the respondent dated 05.02.2016 in Proceedings No.1835/U1-I/2016 and quash the same and consequently direct the respondent to consider the representation of the petitioner dated 25.09.2014 seeking posting at Chennai or nearby place to Chennai.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondent : Mr.V.Raghavachari

O R D E R

This writ petition has been filed by the petitioner, challenging the order of transfer dated 05.02.2016 passed by the respondent in his Proceedings No.1835/U1-I/2016 and for a consequential direction to the respondent to consider his representation dated 25.09.2014, seeking posting at Chennai or nearby place to Chennai.

2.Heard Mr.N.A.Nissar Ahmed, learned counsel appearing for the petitioner and Mr.V.Raghavachari, learned counsel appearing for the respondent.

3.On 02.05.2008, the petitioner was posted by the respondent at Chennai and allowed to work till 31.08.2010.

Subsequently, he was transferred to Tirunelveli and worked there from 09.09.2010 to 31.07.2012. Again, he was transferred to Dindigul and Palani, where he was working from 07.08.2012 to 13.03.2013. Once again, he was posted to Ramanathapuram as Superintendent of Wakf from 20.03.2013 to 25.03.2015. Even before completion of three years at Ramanathapuram, he was transferred to Panruti on 01.04.2015 and thereafter, he was transferred to Thanjavur vide impugned order dated 05.02.2016. Therefore, the petitioner made a representation to the respondent on 25.09.2014 seeking to post him at Chennai or nearby Chennai. As the same has not been considered, he has come forward with the present writ petition.

4.The learned counsel for the petitioner submitted that the petitioner has been transferred frequently to several places within a period of three years and due to the same, he is facing several hardships and therefore, pleaded to issue a direction to the respondent to consider the representation of the petitioner dated 25.09.2014.

5.On the earlier occasion, considering the plight of the petitioner that he has been transferred even before expiry of one year from Panruti to Thanjavur, vide impugned order dated 05.02.2016, this Court ordered notice to the learned standing counsel for the respondent. Accordingly, the learned counsel for the respondent appeared today and submitted that only due to Election Code of Conduct which has been in force now, their hands are tied in recalling the transfer order.

6.This Court is not able to find any justification on the submission made by the learned counsel for the respondent, though this Court is able to see their limitation. But at the same time, considering the plight of the petitioner that he has been subjected to frequent transfers namely, three transfers within three years, the impugned order dated 05.02.2016 passed by the respondent is hereby set aside and the respondent is directed to post the petitioner in the previous place forthwith.

7.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

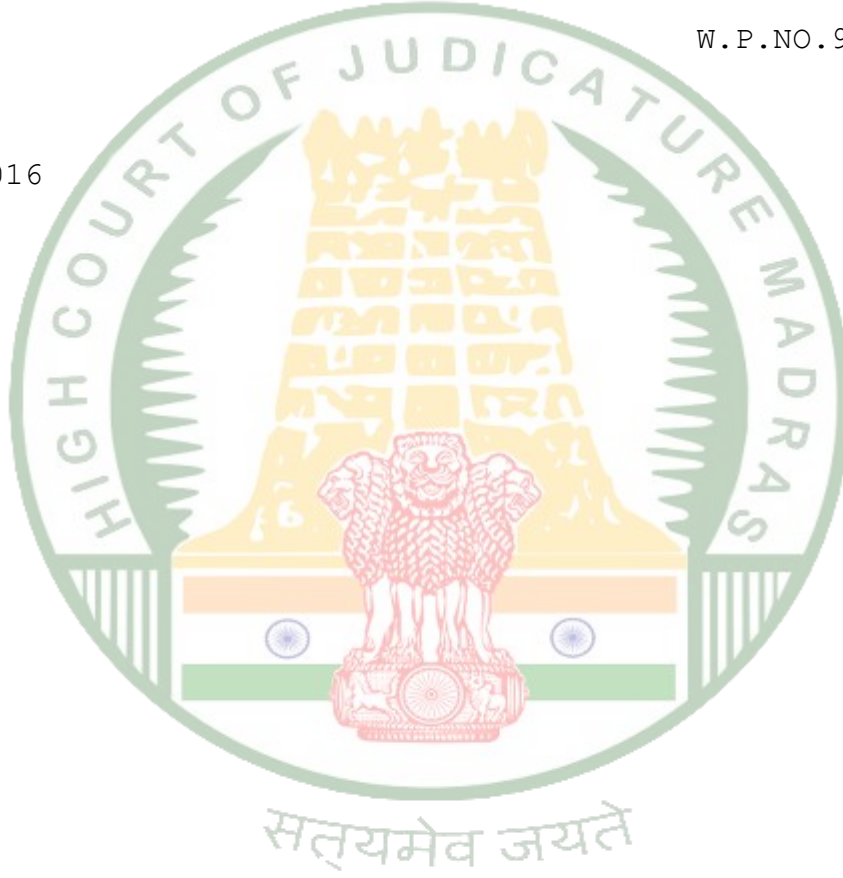
TK

To
The Chief Executive Officer
The Tamil Nadu Wakf Board
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai.

+1 cc to Mr.N.A.Nissar Ahamed Advocate sr.18632
+1 cc to Mr.V.Raghavachari Advocate sr.18320

W.P.NO.9500 OF 2016

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