



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition (MD) No.13800 of 2016

and

W.M.P (MD) Nos.10292 and 10293 of 2016

S.Kamaraj

...Petitioner

Vs.

The State Rep by

1.The Director,

Adi Dravidar and Tribal Welfare Department,
Ezhilagam, Chennai 5.

2.The District Collector,
Theni District, Theni.

3.The Adi Dravidar and Tribal Welfare Officer,
Office of the Adi Dravidar and Tribal Welfare Officer,
Theni District, Theni.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relates to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.24197/2016/W4 dated 29.07.2016 and quash the same as illegal without jurisdiction and violative of principles of natural justice with regard to the Petitioner and directing the Respondents to drop all further proceedings pertaining to the allegations levelled against the petitioner in the impugned order.

For Petitioner	: Mr.R.Aravindan
For Respondents	: Mr.M.Murugan, Government Advocate.

ORDER

The petitioner-S.Kamaraj was originally appointed as a cook and thereafter, came to be promoted as Jeep Driver and from the date of his promotion, he has been serving without any remarks to the satisfaction of his superiors.

2.It is stated that one Mrs.Nanayam, was frequently indulged in quarrel with the petitioner and hence, he has submitted a complaint against her. As a result, Mrs.Nanayam has also submitted a counter complaint. This has caused nuisance in the office. On this basis, the present impugned order of punitive transfer has been effected.

<https://hdservices.ecourts.gov.in/hdservices/>

3.Learned counsel for the petitioner submitted that while effecting transfer, the petitioner should be given a posting order



indicating that where he has to report and join duty but the second respondent has peculiarly directed him to approach the first respondent and get transfer order and therefore, the impugned order is liable to be set aside.

4.It is, at this stage, Mr.Murugan, learned Government Advocate, who accepts notice on behalf of the respondents would fairly submit that while issuing the order of transfer, the second respondent has failed to mention the place and therefore, the same may be set aside giving liberty to the respondents to proceed against the petitioner, in the manner known to law.

5.In view of the said submission, the impugned order is set aside. Consequently, the writ petition is allowed giving liberty to the respondents to proceed against the petitioner, if so advised in the manner known to law. No costs. As a sequel, W.M.P(MD)Nos.10292 and 10292 of 2016 are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

- 1.The Director,
Adi Dravidar and Tribal Welfare Department,
Ezhilagam, Chennai 5.
- 2.The District Collector,
Theni District, Theni.
- 3.The Adi Dravidar and Tribal Welfare Officer,
Office of the Adi Dravidar and Tribal Welfare Officer,
Theni District, Theni.

+1cc to M/s.R.Aravindan, Advocate in SR.41644

Writ Petition (MD) No.13800 of 2016
and
W.M.P(MD)Nos.10292 and 10293 of 2016
03.08.2016

sms

PBK/AAL-MPA/SAR-I 05/08/2016 ::2P-5C:: (IT)