



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.18824 of 2016

A.Malathi

... Petitioner

-vs-

1.The District Collector,
Madurai District.

2.The Commissioner,
Panchayat Union Office,
T.Kallupatti,
Madurai District.

3.V.Moonandi

4.A.Seetha Lakshmi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 1st respondent in Na.Ka.No.41193/2011/Sa.Vu.Thi.1 dated 19.09.2016 quash the same and consequently direct the respondents herein to consider the petitioner for transfer to Gandhi Nikethan Higher Secondary School, T.Kallipatti, Madurai as per the petitioner's application of transfer dated 30.05.2016 within a reasonable time.

For Petitioner : Mr.K.Appadurai

For RR - 1 & 2 : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

O R D E R

This Writ petition has been filed to quash the impugned order passed by the first respondent dated 19.09.2016 and consequently direct the respondents 1 and 2 to consider the application of the petitioner dated 30.05.2016, seeking transfer.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader who takes notice for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/SignThePetition>
The petitioner was an Anganwadi worker, appointed during the year 1996 and now she is working as a Noon Meal Organizer in the Panchayat Union Elementary School in Kollaveeranpatti. She



has put in 20 years of clean service. As she was suffering from chest ailment since 2015 and undergone treatment, she submitted an application dated 30.05.2016 to the second respondent, seeking transfer to Gandhi Nikethan Higher Secondary School, T.Kallupatti, where the third respondent is working and likely to retire on superannuation by 30.09.2016.

4.It is the grievance of the petitioner that the respondents 1 and 2 have transferred the respondents 3 and 4 on the request of mutual transfer, while her application for transfer is pending. According to the petitioner, seniority is the rule for transfer and pending consideration of the application dated 30.05.2016, this request for mutual transfer ought not to have been considered.

5.The impugned order dated 19.09.2016, considering the request for mutual transfer of Seethalakshmi and Moonandi is filed in the typed set of papers. Challenging the same, the present petition has been filed.

6.There is no Rule, providing that the request for mutual transfer should not be considered, while an application or request for transfer is pending by another employee. Therefore, it is not open to the petitioner to challenge the transfer orders passed on the basis of mutual transfer. However, the request of the petitioner for transfer can be considered, because the third respondent had retired on 30.09.2016.

7.Under such circumstances, the first respondent is directed to consider the request of the petitioner dated 30.05.2015 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

8.The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMP(MD)Nos.13605 & 13606 of 2016 are closed.

Sd/
Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar

To

1.The District Collector, Madurai District.

2.The Commissioner, Panchayat Union Office,

T.Kallupatti, Madurai District.

+1cc to M/S.K.Appadurai, Advocate in SR.No.57560.

+1cc to Special Government Pleader,in SR.No.57919.

W.P(MD)No.18824 of 2016

30.09.2016

mj