



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.20122 of 2016

A.Jesudoss Mordekai

: Petitioner

Vs.

1.The Joint Commissioner of Commercial Taxes (Enforcement),
Madurai Division, Madurai.

2.The Joint Commissioner of Commercial Taxes (Administration),
Madurai Division, Madurai.

3.Deputy Commissioner of Commercial Taxes,
Madurai.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to post the petitioner in the same station at Madurai under spouse category in the light of government orders and letters in this regard by considering his representations dated 15.06.2016 and 12.09.2016 based on equity and natural justice.

For Petitioner : Mr.R.Narayanan

For Respondents : Mr.R.Karthikeyan,
Additional Government Pleader.

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to post the petitioner in the same station i.e., at Madurai under spouse category in the light of Government Orders and letters in this regard, by considering his representations dated 15.06.2016 and 12.09.2016.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who took notice for the respondents. By consent, the writ petition itself is taken up



for final disposal.

3.The case of the petitioner is that the petitioner, who is employed as Commercial Tax Officer (Enforcement), Roving Squad (Additional), Madurai, has been transferred to Karaikudi as Commercial Tax Officer in the existing vacancy. His wife is working as P.G. Assistant in OCPM Girls Higher Secondary School (Government Aided), Thallakulam, Madurai and receiving salary from the Government of Tamil Nadu. His son is studying VIII Standard at SBOA Matric and Higher Secondary School, Madurai. Since both of them namely himself and his wife are working in the same place, they mutually assist each other and get ready to go to their respective offices and also assist for their school going son. He is also a neuropathic patient.

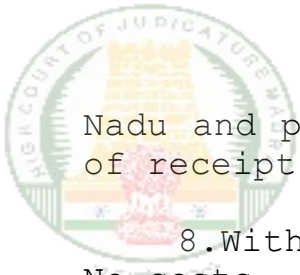
4.The grievance of the petitioner is that he has been transferred just after completion of one year from earlier general transfer i.e., within three years of general transfer. Listing out the vacancies available in the both sensitive and non-sensitive posts, the petitioner has made representations seeking transfer to Madurai on the ground that his wife is employed at Madurai. As the representations were not considered, this writ petition has been filed.

5.The learned counsel for the petitioner relies upon paragraph No.3 of Letter No.9999/S/99-1, dated 12.02.1999, of Government of Tamil Nadu, which reads as follows:

"3.In respect of the request for transfer to the place where the spouse is working, the minimum period of one year of service in the present station need not be insisted upon. However, the other restrictions mentioned in the previous paragraph would equally apply to this type of transfer also. Persons who are not due for transfer in the normal course (i.e., those who have not completed three years of service in the station/post) or on their own request should not be disturbed to accommodate the request of this type".

6.The learned Additional Government Pleader would submit that it is agreeable for the second respondent to consider the representations of the petitioner and to pass appropriate orders within a period of two weeks.

7.Recording the submission made by the learned Additional Government Pleader for the respondents, the second respondent is
<https://hcservices.tn.gov.in/hcservices/> consider the representations of the petitioner dated 15.06.2016 and 12.09.2016 in the light of paragraph No.3 of Letter No.9999/S/99-1, dated 12.02.1999, of Government of Tamil



Nadu and pass orders, within a period of two weeks, from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of.
No costs.

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Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

smn

To

1. The Joint Commissioner of Commercial Taxes (Enforcement),
Madurai Division, Madurai.

2. The Joint Commissioner of Commercial Taxes (Administration),
Madurai Division, Madurai.

3. The Deputy Commissioner of Commercial Taxes,
Madurai.

+1cc to Spl. Government Pleader Sr.No. 62319

+1cc to M/s.R.Narayanan, Advocate SR.No. 61629

JAM/01.11.16/SKS-RR/3P-6C

ORDER MADE IN
W.P(MD) No.20122 of 2016
19.10.2016