



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.10.2016
CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

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W.P(MD) No.20526 of 2016
and WMP.(MD).NOS.14697 and 14698 of 2016

T.Thibakaran

... Petitioner

-vs-

The Deputy Director General
National Cadet Corps Directorate
(Tamil Nadu, Puducherry and
Andaman - Nicobar)
Fort St.George
Chennai - 09.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the impugned order passed by the respondent made in Memorandum No.1336/1/SC/2 dated 28.09.2016 and quash the same.

For Petitioner	: Mr.B.Vinothkumar
For Respondent	: Mr.T.S.Mohammed Mohideen Additional Government Pleader

O R D E R

This writ petition has been filed challenging the impugned order dated 28.09.2016 passed by the respondent, under which, the petitioner has been transferred from Dindigul to Tiruchirapalli.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who takes notice for the respondent. By consent, the writ petition itself is taken up for final disposal at the admission stage.

3.The petitioner was appointed as Assistant by the respondent vide order dated 09.03.2015 at the office of the Commanding Officer 14(TN) BN NCC, 54, Anna Nagar Dindigul - 5. Thereafter, he was transferred to Trichirapalli by the order of the respondent dated 28.09.2016. Challenging the order of transfer, this Writ Petition has been filed.

4.Except in cases of transfer which is mala fide or transfer on extraneous consideration or the transfer is stated to be in violation of statutory provisions, transfer orders cannot be challenged. In this case, the transfer order is challenged on the ground that the transfer is against the transfer policy, proposed through G.O.Ms.No.10 dated 07.01.1994.



5.The grievance of the petitioner is that as per the said Government Order, transfer shall not be given effect to, till completion of three years of service. In this case, the petitioner has been transferred within a period of 1½ years and therefore, the same is illegal.

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6.The contention of the petitioner cannot be accepted, as it is a general guideline and it is not mandatory requirement. However, it is open to the authorities concerned to consider the representation of the petitioner.

7.The learned counsel for the petitioner would submit that because of family circumstances, in which the petitioner is placed, it is necessary to express his grievance before the respondent.

8.Under such circumstances, the petitioner is permitted to submit his request for consideration of transfer before the respondent and the respondent shall consider the same and to pass orders on the same on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

9.The Writ Petition is disposed of with the above direction. No costs. Consequently, WMP(MD)Nos.14697 and 14698 of 2016 are closed.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To
The Deputy Director General
National Cadet Corps Directorate
(Tamil Nadu, Puducherry and
Andaman - Nicobar), Fort St.George
Chennai - 09.

+1cc to Mr.B.Vinothkumar, Advocate SR.No.63850
+1cc to special Government Pleader SR.No.64754

mj
sm:KM:18/11/2016:2P/4C

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