

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2017

CORAM:

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1055 of 2017

and

C.M.P.Nos.14820 and 14821 of 2017

Er.R.Rekha

Assistant Engineer, PWD,
Buildings (C & M) section,
Medical Works,
Kancheepuram.

... Appellant/Writ Petitioner

.. Vs ..

1. The Chief Engineer,
Public Work Department Buildings,
Chepauk, Chennai - 600 005.
2. The Superintending Engineer,
Public Work Department,
Building Construction, Medical Works,
Chepauk, Chennai - 600 005.
3. Executive Engineer, PWD,
Buildings Construction,
Division -1, Medical Works,
Chepauk, Chennai - 600 005.

4. Mr.T.Thangaraj (now retired)
Executive Engineer, PWD,
Buildings Construction,
Division - 1, Medical Works,
Chepauk, Chennai - 600 005.
5. Mr.S.Muthukumar,
Assistant Engineer, PWD,
Buildings (C & M) section,
Sub-Division-IV,
Medical Works, Chengalpattu. ... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of The Letters Patent, against the order dated 17.08.2017 passed by this Court in W.P.No.19619 of 2017.

For Appellant : Mr.K.Rajah Shrinivas
for M/s.G.Ilamurugu
For RR-1 to 3 : Mr.R.Prathapkumar,
Additional Government Pleader

सत्यमेव जयते

JUDGMENT

(Judgment of the Court was delivered by
HULUVADI G.RAMESH, J.)

Heard the learned counsel for the parties for some time.

2. The appellant is employed as Assistant Engineer in Public Works Department and as of now, she is discharging her duties at

Kancheepuram. It appears that she was sought to be transferred to Chennai. The writ petition filed by her challenging the same was dismissed by the learned Single Judge and hence, the present appeal has been filed.

3. The contention of the appellant is that her children are studying at Kancheepuram and hence, she requests that she may not be transferred to Chennai, that too in the middle of the academic year. It is the further contention of the learned counsel for the appellant that only in order to accommodate the person in whom the authority is interested, the petitioner is sought to be transferred from Kancheepuram to Chennai.

4. Learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that there is no *mala fide* intention on the part of the authority in passing the order of transfer and it is only in the usual course and transfer is an incident of service. However, this contention has been refuted by the learned counsel for the appellant.

5. Be that as it may, it is an issue of transfer of an employee from one place to another and the challenge made by the employee as

against the same, which can, if at all, be re-considered by the authorities. Such being the case, we intend to grant some time to both the parties to think over and re-consider the issue. Accordingly, one month's time, from the date of receipt of a copy of this judgment, is granted, within which period, the appellant is permitted to submit a representation to the authorities concerned raising all her contentions and make a plea for retainment of herself at Kancheepuram or even if she intends to join the Chennai Office, she can do so very well. In the event of submission of such a representation, the authorities also can think over the issue and come to a decision by taking into consideration the grievance of the appellant.

6. The Writ Appeal is disposed of accordingly. Consequently, the connected miscellaneous petitions are closed. No costs.

[H.G.R.,J.] [T.K.R.,J.]

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Index : Yes / No

Internet: Yes

Jrl

<http://www.judis.nic.in> **Note:-** Issue order copy on **04.10.2017**

To

1. The Chief Engineer,
Public Work Department Buildings,
Chepauk, Chennai - 600 005.
2. The Superintending Engineer,
Public Work Department,
Building Construction, Medical Works,
Chepauk, Chennai - 600 005.
3. Executive Engineer, PWD,
Buildings Construction,
Division -1, Medical Works,
Chepauk, Chennai - 600 005.



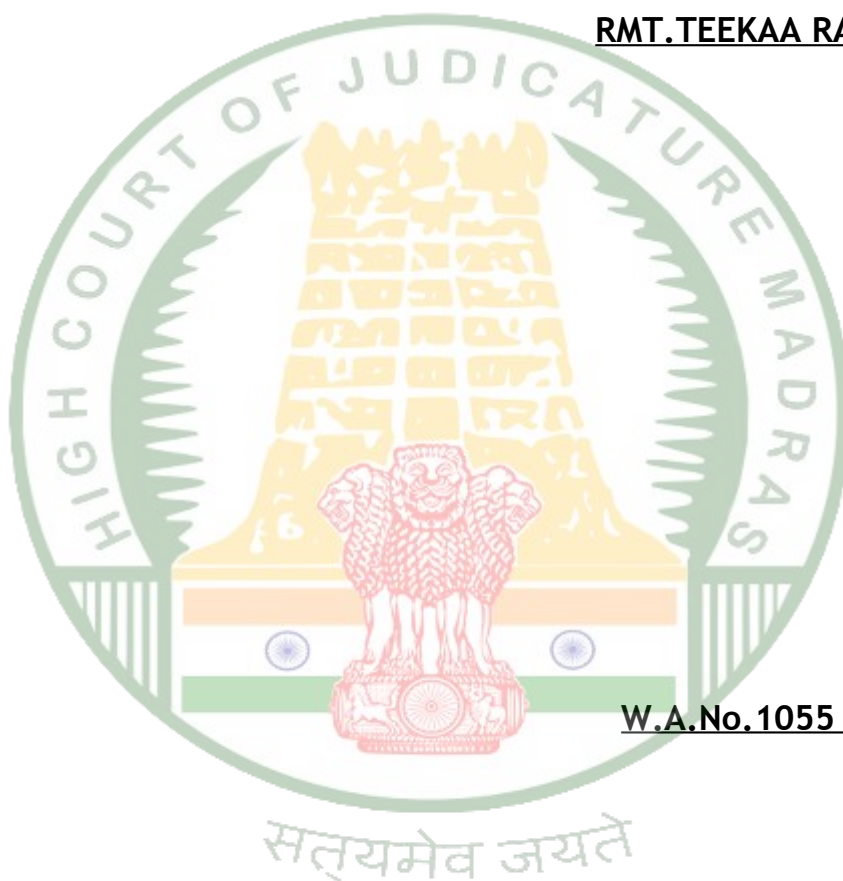
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HULUVADI G.RAMESH, J.

AND

RMT.TEEKAA RAMAN,J.

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