

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8234 of 2017
and WMP.No.8935 of 2017

v.M.Ebenezer

.. Petitioner

-vs-

1. The Director
Directorate of Employment and Training Department,
Guindy, Chennai 600 032.
 2. The Deputy Director,
Handicrafts Training,
Employment and Training Department,
Guindy, Chennai 600 032.
- .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the records in the impugned order passed by the 2nd respondent in Na.Ka.No.5893/PA4/2016 dated 15.02.2017 followed by the Relieving Order in Na.Ka.No.5893/PA4/2016 dated 28.02.2017 issued by the 1st respondent and quash the same.

For Petitioner : Mr.S.Veeraraghavan

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

The writ petition has been filed questioning the correctness of the impugned order of transfer, by which, he was transferred from Guindy to Chengalpattu, on the ground that while he was taking treatment, the respondent ought not to have transferred the petitioner.

2. According to the petitioner, on 20.10.1999, the petitioner was appointed as Office Assistant in the Employment and Training Department at Guindy, through employment exchange. The petitioner had availed medical leave of 40 days from 22.02.2017 to 02.04.2017. Due to severe pain in Stomach and continuous nausea, he was admitted in the Government Hospital on the same day. The petitioner had intimated the same to the 1st respondent through the leave letter. Again he had extended the

leave periodically and intimated properly about the medical leave. It is further submitted that the transfer order was issued by the 2nd respondent in Na.Ka.No.5893/PA4/2016 dated 15.02.2017 followed by the relieving order dated 28.02.2017 issued by the first respondent, transferring the petitioner from the Head Office at Guindy to Chengalpattu Government Industrial Training Institute due to administrative reasons. Since the petitioner was suffering from severe stomach pain and various problems, he was not able to travel from home at Kosapettai to Chengalpet daily. He is in hospital till date and on medical grounds the petitioner is not able to join the work at Chengalpet, as ordered by the respondents. Hence he could not able to comply with the order. Therefore, the petitioner has come forward with the present writ petition.

3. Heard the learned counsel appearing for the petitioner. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice on behalf of the respondents.

4. It is seen from the records that the medical certificate is not clear as to the illness suffered by the petitioner. However, the petitioner has been transferred only due to administrative exigencies. Moreover, the counsel for the petitioner also stated that a request of the petitioner to cancel the transfer order, has been rejected, but the petitioner has not produced any documents to that effect. Without approaching the respondents with any representation, the petitioner has filed the present writ petition. Hence the petitioner is not entitled for the relief prayed for.

5. In view of the above, the petitioner is directed to join at the transferred place viz., Chengalpattu, immediately, if not joined already, failing which, the respondents are directed to initiate departmental proceedings against the petitioner. Accordingly, the writ petition fails and the same is dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kkd

To

1. The Director
Directorate of Employment and Training Department,
Guindy, Chennai 600 032.
2. The Deputy Director,
Handicrafts Training,
Employment and Training Department,
Guindy, Chennai 600 032.

+1cc to Mr.S.Veeraragavan, Advocate, S.R.No.20720
+1cc to the Government Pleader, S.R.No.21233

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rsy(co)
rmp(08/05/17)



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