

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2017

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.30772 of 2017 and
W.M.P.Nos.33700 and 33701 of 2017

K.Kumar

Village Assistant,
Thumbipadi Village,
Kadaiyampatti Taluk,
Salem District

Petitioner

Vs.

1. The District Collector,
Salem District

2. The Sub Collector,
Mettur, Salem District

3. The Tahsildar,
Kadaiyampatti,
Salem District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by 3rd respondent dated 18.11.2017 in Na.Ka.506/2017/A1 and quash the same and retain the petitioner as Village Assistant at the office of the Thumbipadi village, Salem District and confer all benefits, which was interrupted on account of transfer order.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.R.A.S.Senthilvel
Additional Government Pleader

O R D E R

The Writ Petition is directed against the impugned order passed by 3rd respondent dated 18.11.2017, wherein the petitioner was transferred to Kookuttapatti Village on administrative reasons.

2. Learned counsel for the petitioner assailing the impugned order submitted that since the petitioner has brought to the

notice of higher officers about the illegal mining in and around the village, the respondents to victimize the petitioner, has effected the impugned order of transfer, although it is stated that based on administrative reasons, it is liable to be dismissed, as it is passed with punitive measure.

3. Further, learned counsel for the petitioner has submitted that the petitioner is a physically challenged person, therefore, he would not be in a position to undertake long journey into reserve forest and hilly area. Concluding his argument, it is submitted that earlier, the petitioner was transferred from Thumbipatti Village, Salem District to Muthunaickenpatti Village by the Tahsildar, Omalur vide proceedings dated 22.11.2014. As the petitioner is a handicapped person, he was unable to travel such a long distance. Therefore, he made a representation to re-transfer to Thumbipatti Village. Later, finding no response, he came to this Court by way of Writ Petition No.1448 of 2016, challenging the order of transfer. This Court by an order dated 19.01.2016 directed the 1st respondent therein to consider the representation dated 09.07.2015. Pursuant to the direction given by this Court, representation of the petitioner was considered and the petitioner was brought back to the present station, now again, he has been transferred, therefore, the impugned order of transfer is liable to be interfered with, he pleaded.

4. In reply, learned Additional Government Pleader for the respondents submitted that the petitioner has worked for more than nine long years in the present station, except a short break of six months, therefore, the impugned order of transfer, does not warrant any interference by this Court.

5. Head the learned counsel on either side and perused the documents available on record.

6. Upon perusing the documents available on record and taking note of the submissions on either side, it is clear that the petitioner has been transferred from Thumbipadi village to Kookuttapatti Village, i.e., only to a nearby distance of 15 Kms, therefore, this Court, is unable to entertain this Writ Petition, as the distance is very short. Accordingly, the Writ petition fails and the same stands dismissed. Consequently connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The District Collector,
Salem District
2. The Sub Collector,
Mettur, Salem District
3. The Tahsildar,
Kadayampatti,
Salem District

+1cc to Mr.R.NALLIYAPPAN Advocate, S.R.No. 88225
+1cc to the Government Pleader, S.R.No. 88532

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TR(19/01/2018)



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