

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 18.05.2017

CORAM

THE HONOURABLE THIRU JUSTICE M.GOVINDARAJ

W.P.No.13106 of 2017 &
W.M.P.NO.14001 OF 2017

Dr.N.Dhanapal

.... Petitioner

vs

1. State of Tamil Nadu, rep. by
The Secretary to Government,
Tourism, Culture & Religious Endowments Dept.,
Secretariat,
Chennai-09.

2. The Commissioner of
Hindu Religious and Charitable Endowment,
M.G.Road,
Nungambakkam,
Chennai-34.

.... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution, praying for the issuance of Writ of Mandamus, to forbear the respondents from transferring the petitioner from the present place and post before completion of the tenure in the present place.

For petitioner : Mr.R.Singharavelan, SC for
Mr.A.Palaniappan

For respondents: Mr.Maharajan for HR & CE

ORDER

The petitioner has approached this Court, seeking the following relief:

"To issue of Writ of Mandamus, to forbear the respondents from transferring the petitioner from the present place and post before completion of the tenure in the present place."

2. According to the petitioner, on transfer, he has been working as Joint Commissioner/Executive Officer of Devi Karumarriamman Temple at Thiruverkadu on and from 8.10.2015. While so, the petitioner is apprehending transfer from the present working place to other place, which is unfavourable to him. In such circumstances, the petitioner came forward with

the present Writ Petition, praying to forbear the respondents from transferring him as it is contrary to the regulations which provides three years period, whereas, the proposed transfer to Kanyakumari, is within a period of 1 1/2 year. It is also stated that he had already served in Kanyakumari District twice in the same post for the period from 2002-2004 and 2007-2008, where he faced dire threat to his life. The then Commissioner had interfered in the matter and transferred the petitioner from that place and saved his life. The petitioner is willing to work any other place than the particular place. In the meanwhile, there are disciplinary proceedings initiated against him at Chennai wherein he is facing enquiry and as such, his presence for participating in the enquiry is very much required.

3. Learned senior counsel appearing for the petitioner would vehemently contend that when there is a dire threat to the life of the petitioner at the proposed transfer place, he shall not be transferred there by way of preventive action, that too even before completion of three years.

4. In fact, no transfer order has been issued against the petitioner, however, apprehending issuance of the same by the authorities, the petitioner has rushed this Court. It is to be noted that transfer of a Government servant appointed to a particular cadre of transferable posts from one place to the another is an incident of service. No Government servant or employee of public undertaking has legal right for being posted at any particular place. Transfer from one place to other is necessary in public interest and efficiency in the public administration. Having regard to this, though this Court is not inclined to entertain the Writ Petition, however, the learned senior counsel would submit that the petitioner has made a representation, dated 16.5.2017 to the first respondent as regards his transfer and the petitioner would be satisfied if the first respondent is directed to consider and dispose of the same and till such time, not to transfer the petitioner.

5. Considering the limited prayer now sought for by the learned senior counsel for the petitioner, the Writ Petition itself is taken up for final disposal. Mr.A.N.Thambidurai, learned Addl.Public Prosecutor, who is present in the Court, is directed to take notice and intimate the disposal of the Writ Petition to Mr.M.Maharajan, Spl.Government Pleader appearing for the respondents (HR & CE).

6. In view of the peculiar circumstances of the case and considering the grievance of the petitioner that he is facing life threat at the proposed place of transfer and as the representation made by the petitioner is still pending, the first respondent is directed to consider the said representation dated 16.5.2017 and dispose of the same in accordance with law and on merits, within a period of six weeks from the date of

receipt of a copy of this order. Till such orders are passed, the petitioner shall not be disturbed by way of transfer.

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected WMP is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

suk

To

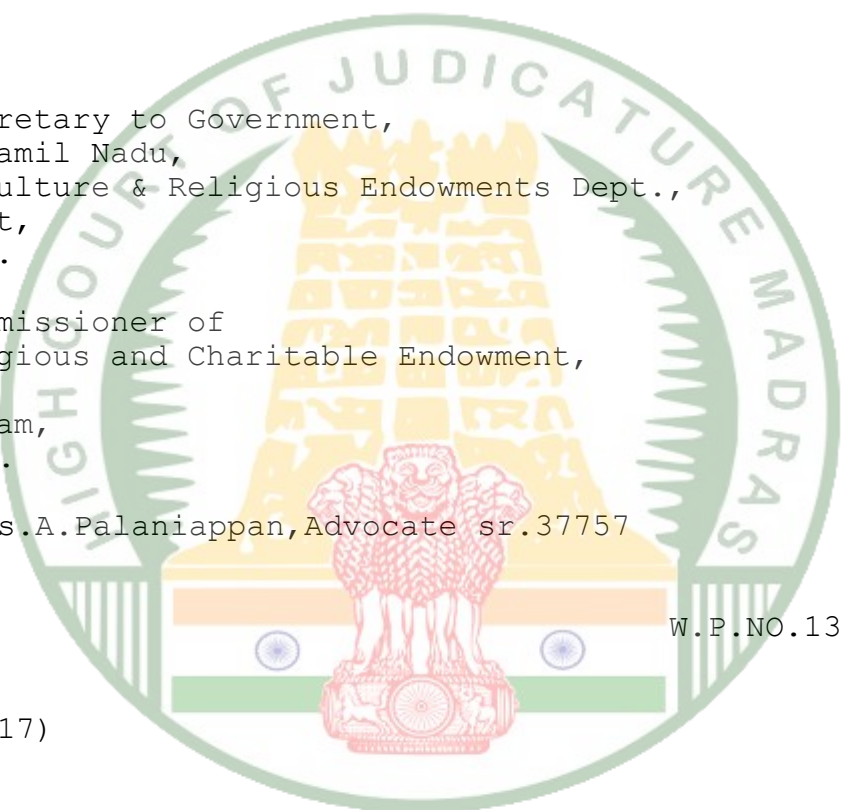
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Nungambakkam,
Chennai-34.

+1cc to M/s.A.Palaniappan, Advocate sr.37757

W.P.NO.13106 OF 2017

ppa (co)
ss (19/5/2017)

The seal of the High Court of Madras is a circular emblem. It features a central golden temple gopuram (tower) with a red lion capital of Ashoka at its base. The gopuram is set against a background of a green and white striped field. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed in a green border around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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