

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.06.2017

CORAM

THE HON'BLE MR.JUSTICE T. RAJA

W.P.No.15339 of 2017

and

W.M.P.No.16631 of 2017

B.Suseelkumar

... Petitioner

Versus

1. The State of Tamil Nadu
rep.by its Additional Chief Secretary
to Government,
Commercial Taxes & Registration Department,
Secretariat, Chennai-600 009.
2. The Additional Chief Secretary/
Commissioner of Commercial Taxes
Commercial Taxes Department,
Ezhilagam, Chennai-600 005.
3. The Secretary,
Personnel and Administrative Reforms
Department, Secretariat,
Chennai-600 009.

... Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondents to consider the case of the petitioner for being posted at one of the territorial divisions at Chennai in the place of officials who are functioning for more than 3 years and in any event consider the petitioner's request dated 07.06.2017 for being posted at Chennai where his spouse is working at the time of ensuing general transfer.

For Petitioner : Mr.V.Prakash,
Senior Counsel,
for M/s. K.Krishnamoorthy

For Respondents : Mr.T.M. Pappiah,
Special Government Pleader

O R D E R

The petitioner joined the services of the second respondent as Assistant Commissioner in the year 2002 and he was promoted as Deputy Commissioner in the year 2010 and thereafter, promoted as Joint Commissioner in the year 2015. Thereafter, he was posted at Additional Departmental Member, Sales Tax Appellate Tribunal, Chennai. Thereafter, he was transferred from Chennai to Tirunelveli. His representation dated 02.05.2017 and also representation dated 07.06.2017 also shown that during the year 2013 only he was transferred to Tirunelveli Division and worked in Tirunelveli as Deputy Commissioner for more than one year and came to Chennai in the year 2015 only on request transfer. Since his wife S.Eswari, is also a Government servant working in Public works Department, at Chennai, as Assistant Executive Engineer and his daughter is also studying 12th Standard in a school at Chennai, his presence at Chennai is necessitated to take care of his daughter's studies. Therefore, he has given a representation for his posting to any of the territorial divisions at Chennai, on spouse joining grounds, but the same has not been considered.

2.The learned counsel appearing for the Respondent taking notice submitted that the petitioner's representation will be considered on merits.

3.Therefore, the respondents are directed to consider the case of the petitioner on merits at the time of general transfer.

4. The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.16631 of 2017 is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Chief Secretary to Government,
Commercial Taxes & Registration Department,
State of Tamil Nadu
Secretariat, Chennai-600 009.

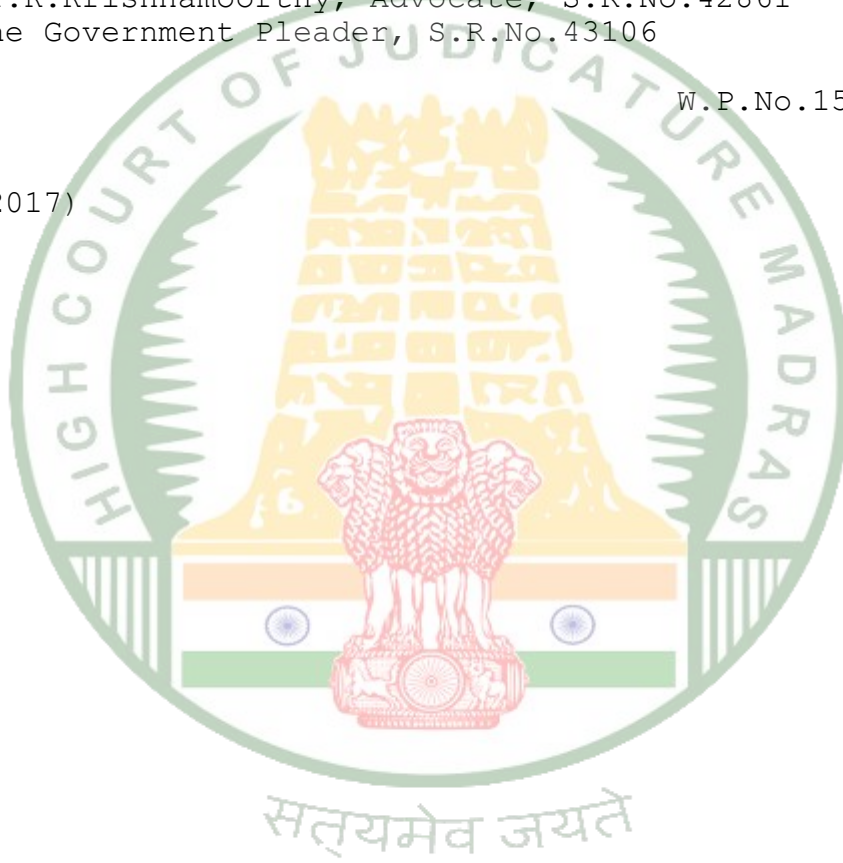
2. The Additional Chief Secretary/
Commissioner of Commercial Taxes
Commercial Taxes Department,
Ezhilagam, Chennai-600 005.

3. The Secretary,
Personnel and Administrative Reforms Department,
Secretariat,
Chennai-600 009.

+1cc to Mr.K.Krishnamoorthy, Advocate, S.R.No.42861
+1cc to the Government Pleader, S.R.No.43106

W.P.No.15339 of 2017

LRS (CO)
CA(22/06/2017)



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