

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.25742 of 2017
and
W.M.P.No.27166 of 2017

1. Union of India,
rep. by the Chief Postmaster General,
Tamilnadu Circle,
Anna Salai, Chennai 600 002.
 2. The Postmaster General,
Western Region (TN),
Coimbatore 641 002.
 3. Assistant Director (Staff),
O/o. The Post Master General,
Western Region (TN),
Coimbatore 641 002. Petitioner
- Versus
1. T.Sahayaraju
 2. The Central Administrative Tribunal,
Chennai Bench, Chennai-104. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the records dated 5.7.2017 and made in O.A.No.567 of 2017 on the file of the second respondent and quash the same insofar it is against the petitioners.

For petitioners : Mr.V.Balasubramanian

For R1 : Mr.R.Malaichamy

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing of the appellant and the learned counsel appearing for the respondent.

2. It appears that challenging the order transferring the first respondent from Pollachi to Madurai, the first respondent, employee in Postal Department, went before the Central Administrative Tribunal and the Tribunal, in turn, accepting the

case of the first respondent, quashed the transfer order, as against which, the present writ petition has been filed.

3. It appears that the stand taken by the petitioners herein is that the Tribunal ought not to have entertained the Original Application as remedy for the first respondent was available within the Department and only based on certain irregularities found as against the first respondent, such transfer was made. It is further submitted that only at the request of the first respondent he was earlier transferred to Pollachi from Salem within a period of two years of service at Salem and such being the situation, there were certain irregularities found against him and also for administrative reasons, he has been transferred.

4. Learned counsel appearing for the appellant would submit that the first respondent is struggling with some ailments and therefore, he need not be disturbed by way of transfer from where he is serving now.

5. It appears that Pollachi is only 190 Kms from Madurai and if the first respondent is required to take any treatment, as submitted by the learned counsel appearing for the first respondent, it cannot be disputed that definitely, he would get better treatment in Madurai than at Pollachi which is also only 190 Kms away from Madurai. Further, it appears that the transfer order was issued as a consequence of certain complaints received at the level of the higher authorities against some irregularities on the part of the first respondent and it may be that it would require an enquiry for taking a decision and before that, to save the situation for the smooth running of the administration, such a decision been taken to transfer him that too a place which is not far off from the place where he is working. Therefore, we do not see any reason to sustain the order passed by the Tribunal in quashing the order of transfer and retaining the first respondent in the Station where he is serving now.

6. Therefore, in modification of the order passed by the Central Administrative Tribunal, we direct the first respondent to report at the transferred place on or before 15th December 2017. However, in the factual background, the period during which the first respondent remained absent be treated as leave if he has got any leave to his credit and and salary be paid accordingly. The writ petition is allowed in part to the extent indicated above. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

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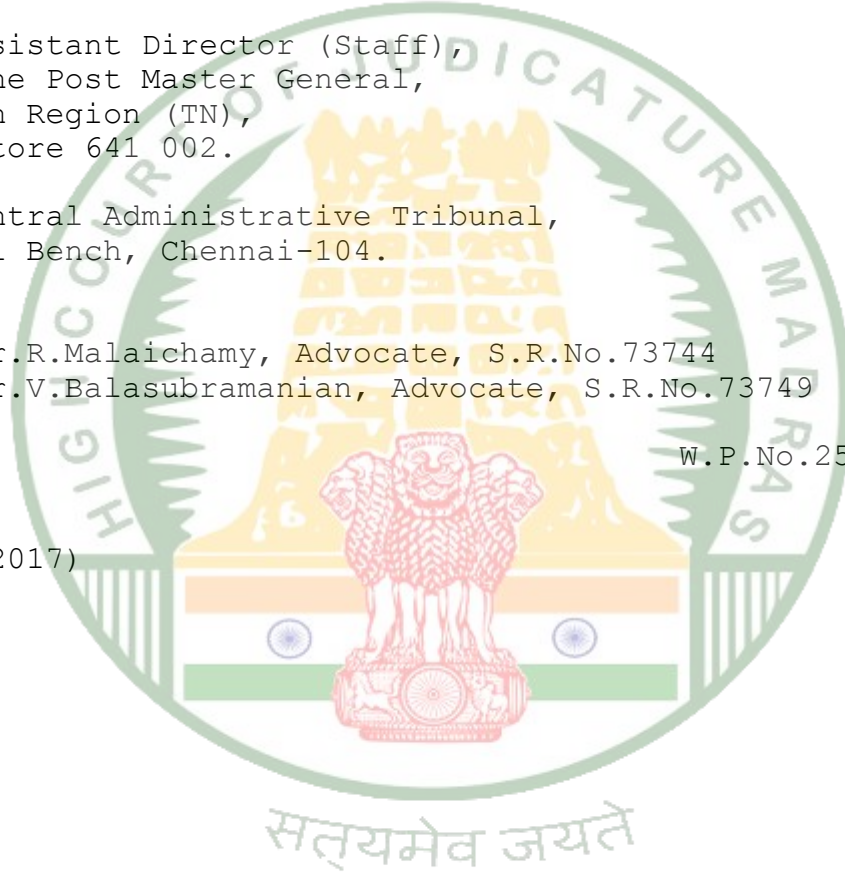
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4. The Central Administrative Tribunal,
Chennai Bench, Chennai-104.

+1cc to Mr.R.Malaichamy, Advocate, S.R.No.73744

+1cc to Mr.V.Balasubramanian, Advocate, S.R.No.73749

W.P.No.25742 of 2017

SKV(CO)
CA(21/11/2017)



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