

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.25810 of 2017

M.Isac Soloman Jebamani

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Petitioner

-vs-

1. The Commissioner of Technical Education
Guindy
Chennai 600 025

2. The Principal
Government Engineering College
Coimbatore 641 013

..

Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records from the respondents 1 & 2 relating to the order of transfer of the petitioner from the Government Engineering College, Coimbatore to the Alagappa Chettiar Engineering College, Karaikudi bearing No.67134/A1/2016 dated 1.9.2017 and the relieving order bearing No.5893/2017 dated 14.9.2017 and quash the same and direct the respondents 1 and 2 to permit the petitioner to retain in the second respondent Engineering College till the retirement of the petitioner in June, 2018.

For Petitioner :: Mr.S.Ayyathurai

For Respondents :: Mr.R.Govindasamy
Special Government Pleader

ORDER

The petitioner, who is working in the second respondent engineering college as Professor of Civil Engineering, is left with only eight months of service for his retirement on superannuation. It is at this stage the impugned order of transfer dated 1.9.2017 has been issued by the first respondent, posting the petitioner 400 kilometres away from the present station. Subsequently, he has also been issued with another relieving order dated 14.9.2017 by the second respondent. Challenging the said orders, he has come to this Court.

2. Learned counsel for the petitioner submitted that in the year 2012, the petitioner was given promotion as Head of the Department of Civil Engineering. After joining as Head of the Department of Civil Engineering, he has been working. In the meanwhile, he developed health problems. Hence he went on medical leave from 17.8.2017 to 13.9.2017. However, when he reported for duty on 14.9.2017, he was served with the order of transfer dated 1.9.2017 from Coimbatore to Karaikudi along with the relieving order dated 14.9.2017. Immediately he has given a representation to the first respondent through the second respondent with a request to cancel the order of transfer. But the respondents are showing their inability to accept the representation on the ground that both the transfer and relieving orders were already issued. Therefore, the impugned orders are liable to be quashed, he pleaded. Concluding his arguments, the learned counsel for the petitioner submitted that the petitioner, being a widower, has to take care of his daughter who is studying +2 in a school at Coimbatore. As the petitioner has to take care of his daughter and her studies, it will be highly impossible for the petitioner to leave his daughter studying +2 in anybody's custody. Although these facts were brought to the notice of the respondents in his representation dated 14.9.2017, the respondents have not even taken note of the same.

3. The learned Special Government Pleader for the respondents submitted that after the order of transfer dated 1.9.2017, a relieving order dated 14.9.2017 was also issued. Finally, the petitioner has been relieved and the writ petition was filed only on 25.9.2017. However, the case of the petitioner would be considered on the basis of his representation dated 14.9.2017. The learned Special Government Pleader also fairly submitted that no person has joined in the place of the petitioner till now.

4. Since the petitioner is left with only eight months of service, as he is a widower and his daughter is also studying +2 in a school at Coimbatore, as rightly indicated by the learned counsel for the petitioner, it would be certainly not ideal for the petitioner to leave his daughter at this stage to join in the transferred place, which is 400 kilometres away. Therefore, this Court, keeping in mind that the petitioner is left with only eight months of service and also the fact that no other person has joined in his place, is inclined to quash the impugned orders. Accordingly, the impugned orders are quashed and the respondents are directed to retain the petitioner in the

present place at Coimbatore. The writ petition stands allowed. Consequently, W.M.P.Nos.27238 to 27240 of 2017 are closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

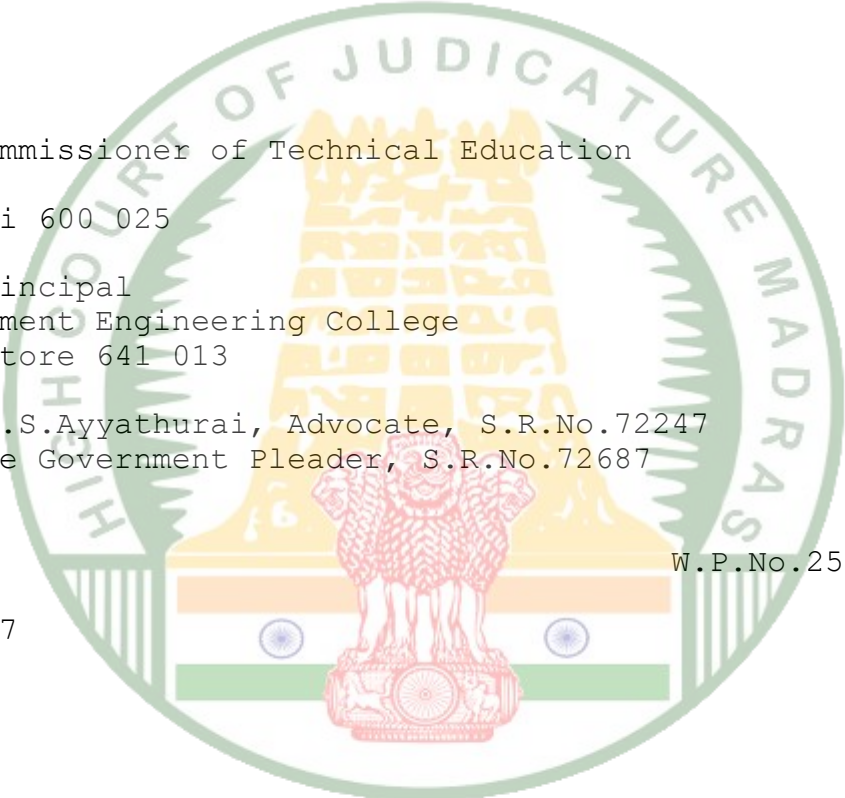
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+1cc to Mr.S.Ayyathurai, Advocate, S.R.No.72247

+1cc to the Government Pleader, S.R.No.72687

W.P.No.25810 of 2017

CS/26/10/17



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