

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.27562 of 2017

M.Ramakrishnan

..

Petitioner

-vs-

1. The Secretary to Government
Municipal Administration and
Water Supply Department
Fort St.George
Chennai 600 009

2. The Commissioner of Municipal Administration
Chepauk
Chennai 600 005

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the Secretary to the Government Municipal Administration and Water Supply Department, Chennai-9, the first respondent herein to consider the appeal submitted by the petitioner dated 18.9.2017 for retention of the petitioner at Gudalur as Public Works Overseer by cancelling the order of transfer issued on 26.7.2017 in Roc.No.5107/2017/F2 by the Commissioner of Municipal Administration, Chennai purely on health grounds either at Gudalur or at Nelliylam in Nilgiris District within a time frame.

For Petitioner:: Mr.K.Rajkumar

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

ORDER

The petitioner claims to be a patient suffering from heart disease. On 12.7.2016 he also suffered a mild heart attack, for which he got admitted in a multi-speciality hospital at Perintalmanna in Kerala which is the nearest hospital to Gudalur for taking best treatment. After undergoing coronary angiogram and other tests, the doctor advised him not to work in high altitude places, as there is a possibility of recurring heart attack. In support of his claim, he has also produced the

medical reports of the petitioner's heart ailment on 12.7.2016. In this background, it is further submitted that he was originally posted to Gudalur (North) Municipality in Nilgiris District as Public Works Overseer on 24.1.2013. On 4.7.2017, the Commissioner of Municipal Administration, Chennai has transferred one Mr.S.Prabakar from Ooty to Coonoor and another incumbent Mr.R.Sivasankar from Coonoor to Ooty without disturbing the petitioner from Gudalur (North). It is also further stated that since both of the aforesaid incumbents had good influence, they refused to join. Finally, the order of transfer dated 4.7.2017 transferring both the aforesaid incumbents were cancelled on 26.7.2017, with the result Mr.S.Prabakar was transferred to Gudalur (North) in the place of the petitioner and the petitioner was transferred to Ooty and the other incumbent Mr.R.Sivasankar was transferred to Keelakarai Municipality in a vacant post. Since Ooty is situated in a high altitude, the petitioner's health problems got deteriorated. The learned counsel for the petitioner also submitted that in deference to the transfer order, the petitioner also joined at Ooty and continuing there with great difficulty. Therefore, he has given a representation on 18.9.2017 mentioning his health problems along with the medical documents dated 12.7.2016. Finding that the said representation has not been considered, he has come to this Court.

2. The learned Additional Government Pleader, taking notice on behalf of the respondents, sought sufficient time to consider the pending representation of the petitioner, on merits.

3. Since the petitioner has been transferred from Gudalur (North) to Ooty, citing health problems with the supportive medical documents dated 12.7.2016, has come to this Court, without even challenging the transfer order, seeking a direction to consider his representation. Therefore, the first respondent is hereby directed to consider the case of the petitioner on humanitarian grounds, on the basis of the medical documents along with the representation dated 18.9.2017, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

SS

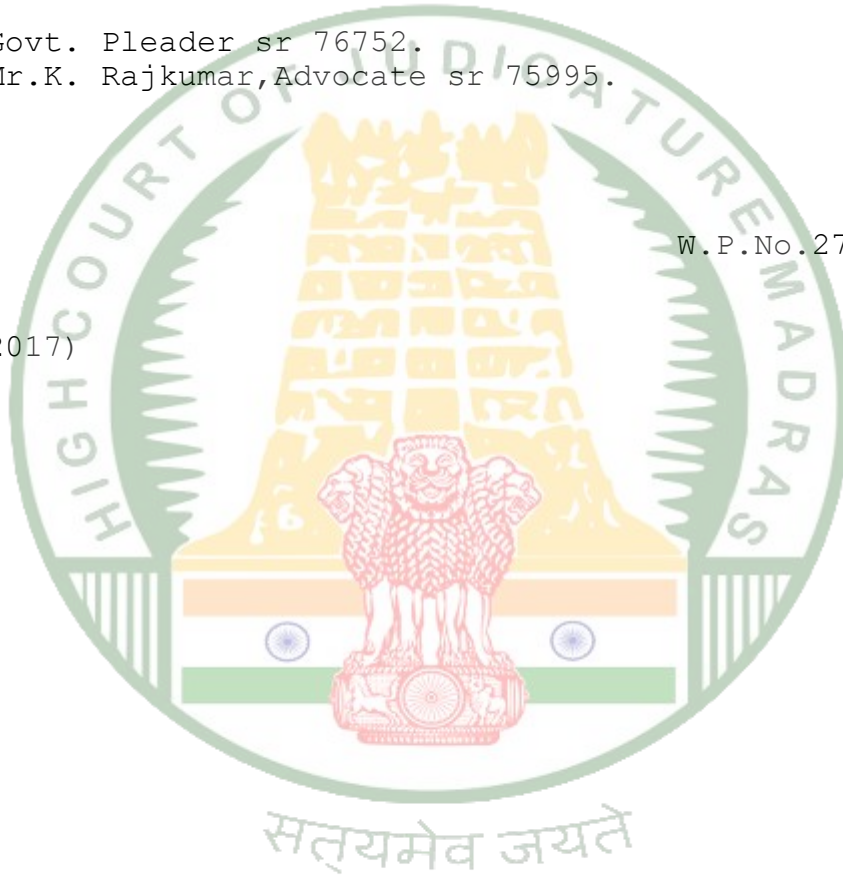
To

1. The Secretary to Government
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Fort St.George
Chennai 600 009
2. The Commissioner of Municipal Administration
Chepauk
Chennai 600 005

+1 CC to Govt. Pleader sr 76752.
+1 Cc to Mr.K. Rajkumar, Advocate sr 75995.

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SP(08/11/2017)



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