

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-08-2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.36468 of 2016

And

W.M.P.No.31382 of 2016

R.Zakir Nawaz

.. Petitioner

vs.

1.The Director of Agriculture,
Chepauk,
Chennai-600 005.

2.The Joint Director of Agriculture,
Thadagam Salai,
Coimbatore-641 013.

.. Respondents

This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the Joint Director of Agriculture, Coimbatore, the second respondent herein made in No.A1/11943/2016 dated 14.10.2016 and the letter of the Director of Agriculture, Chennai, the first respondent herein made in Letter No.Pa.Ma. Mu1/84943/2016 dated 7.10.2016, quash the same and retain the petitioner as Agricultural Officer (Quality Control), Office of the second respondent herein with all consequential service and monetary benefits due on account of impugned order.

For Petitioner : Mr.K.Rajkumar

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader.

O R D E R

The order of transfer dated 14.10.2016 issued by the second respondent is under challenge in this writ petition.

2. The writ petitioner is working as Agricultural Officer in the Office of the Joint Director of Agriculture, Coimbatore.

3. By virtue of the order of transfer dated 7.10.2016, he was transferred from Coimbatore to Ooty. Questioning the same, the writ petitioner moved the present writ petition and by virtue of the interim order granted at the admission stage and the writ petitioner is continuing in the same post at Coimbatore.

4. The learned counsel for the petitioner fairly concedes that the writ petitioner has now completed 3 years of service in the present post at Coimbatore. However, the learned counsel for the petitioner brought to the notice of this Court that the writ petitioner has been diagnosed for Mouth Cancer and has to take treatment for about two months at Coimbatore since the treatment has already commenced in a Hospital at Coimbatore. Thus, if two months time is granted to him to continue in the same post at Coimbatore, he will be in a position to complete the treatment and thereafter, he will join duty in the transferred post.

5. Transfer is an incidental to service, more-so, a condition of service. The Courts will not interfere against the order of transfer in a routine manner and only on exceptional circumstances, the order of transfer can be interfered with. However, in the case on hand, the learned counsel for the petitioner has submitted that the writ petitioner has already completed a period of 3 years of service and willing to join in the transferred post after two months on completion of his treatment for Mouth Cancer at Coimbatore.

6. Thus, no further adjudication is required to be undertaken in this regard on account of the submissions made by the learned counsel for the petitioner. Accordingly, the respondents are directed not to relieve the writ petitioner from the present post of Agricultural Officer at Coimbatore till 29.10.2017 and on 30.10.2017, the writ petitioner is liable to be relieved from the said post and the writ petitioner is directed to join in the transferred post thereafter accordingly as per the order of transfer.

7. With this direction, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

10-08-2017

Speaking Order/Non-Speaking Order.

Index : Yes/No.

Internet : Yes/No.

S.M.SUBRAMANIAM, J.

Svn

To

- 1.The Director of Agriculture,
Chepauk,
Chennai-600 005.
- 2.The Joint Director of Agriculture,
Thadagam Salai,
Coimbatore-641 013.



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