



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A.[MD].No.1250 of 2017
and
C.M.P. (MD) No.8752 of 2017

Jeyakumar

... Appellant

Vs.

The State Commissioner for
Differently Abled Persons,
Commissionerate for Differently Abled
Persons,
Chennai.

... Respondent

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order of the single Judge in WP(MD) No.17281 of 2017, dated 13.09.2017.

Prayer in WP(MD). 17281/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of certiorari calling for the records of the Impugned order issued by the Respondent in Se.Mu.Na.Ka.No.3794/Nir.3/2017 dated 07.09.2017 and the quash the same.

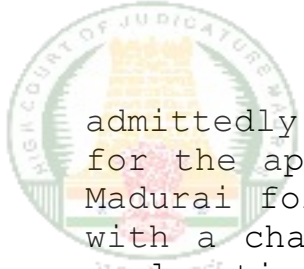
For Appellant	:	Mr.Arun Swaminathan
For Respondent	:	Mr.T.S.Md.Mohideen, Additional Government Pleader.

JUDGMENT

[Judgment of the Court was delivered by G.R.SWAMINATHAN, J.]

This writ appeal is directed against the order dated 13.09.2017 made in WP(MD)No.17281 of 2017 filed by the appellant herein.

2.The appellant challenges an order of transfer dated 07.09.2017. The respondent herein transferred the appellant from Jeyakumari on administrative grounds. The impugned order on the face of it does not cast any stigma on the appellant. It is an order of transfer simpliciter. The appellant is



admittedly working in a transferable post. The learned counsel for the appellant admitted that the appellant has been working in Madurai for six years. It appears that the appellant was issued with a charge memo dated 24.08.2017. He had also submitted his explanation. But, without considering his explanation, he was visited with the impugned order of transfer. The learned counsel for the appellant would therefore contend that the order suffers from malice in law.

3. We are not able to accept the said submission. Merely because disciplinary action has been parallelly initiated, that cannot mean that the appellant cannot be transferred. The appellant can face disciplinary proceedings independently. Mere initiation of disciplinary action would not tie the hands of the administrative head from passing an order of transfer. The respondent has not been named in person. Hence, there is no question of imputing mala fides to the impugned administrative action. As already pointed out, the writ petitioner has been working for more than six years at Madurai.

4. The learned counsel for the appellant would point out that the appellant has some domestic obligation to discharge. That cannot be a ground to interfere with the impugned order of transfer. It is always open to the appellant to represent to the respondent and it is for the respondent to take a decision in the matter. This Court cannot express any opinion or issue any direction in that regard.

5. There is no merit in this writ appeal. It stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar.

To
The State Commissioner for Differently Abled Persons,
Commissionerate for Differently Abled Persons, Chennai.

+1CC to Mr. SO. Paramasivan, Advocate, SR.No. 79389

W.A. [MD]. No. 1250 of 2017
and

C.M.P. (MD) No. 8752 of 2017
18.09.2017

skm/Arul