



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2017

CORAM

WEB COPY

**THE HON'BLE MR.JUSTICE S.VAIDYANATHAN**

W.P.(MD) No.106 of 2017

A.Muthupandi

... Petitioner

Vs.

1. The Joint Commissioner,  
Commercial Taxes,  
Madurai Division, Madurai.

2. The Deputy Commissioner,  
Commercial Taxes,  
Sivagangai Division,  
Sivagangai District.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the first respondent in R.O.CNo.3704/2015/A1, dated 8.12.2016, quash the same as illegal and consequently to direct the first respondent to transfer the Petitioner from Thirupattur, Sivagangai Division to any one of the Theni District on the basis of the representation dated 5.1.2016 within the time frame fixed by this Court.

For Petitioner : M/s.V.Palanichamy  
For Respondents : Mr.R.Karthikeyan  
Addl.Govt.Pleader

### **O R D E R**

This writ petition has been filed, seeking for issuance of a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the first respondent in R.O.CNo.3704/2015/A1, dated 8.12.2016, quash the same as illegal and consequently to direct the first respondent to transfer the Petitioner from Thirupattur, Sivagangai Division to any one of the Theni District on the basis of the representation dated 5.1.2016 within the time frame fixed by this Court.

2.Mr.R.Karthikeyan learned Additional Government Pleader takes notice of the representation of the respondents. By consent of both parties, the main Writ Petition is taken up for final disposal.



3.The learned counsel for the Petitioner submitted that the Petitioner was employed as Junior Assistant in the Office of the Deputy Commissioner (CT), Enforcement (North), Chennai on 22.12.2010. The first respondent issued a transfer order dated 14.7.2015, transferring the Petitioner from Theni District to Sivagangai District. Accordingly, the Petitioner has reported for duty at Sivagangai District on 14.7.2015. Subsequently the Petitioner has given a representation on 5.1.2016 to the first respondent seeking re-transfer to Theni District on the ground that his children are studying at Theni. The said representation being not considered by the authorities concerned, the Petitioner has filed a Writ Petition in W.P(MD)No.20150 of 2016 and this Court by order dated 20.10.2016, this Court directed the first respondent therein to consider the representation of the Petitioner, dated 5.1.2016 on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this Court. Even in the above said representation dated 5.1.2016, the Petitioner has stated that his son has completed Plus Two in a Higher Secondary School at Theni and his family resides at Theni and further he was also suffering from Diabetes. The said representation was rejected by the authorities concerned stating that the above transfer was not made in a routine course and only due to administrative reasons. Aggrieved by the same, the Petitioner has preferred the present Writ Petition before this Court.

4.The Honourable Apex Court in a decision reported in **(1993) 1 Supreme Court Cases 148 in the case of Rajendra Roy .vs. Union of India and another** has held that transfer made on administrative grounds cannot be interfered with.

5.While-so, the learned Additional Government Pleader appearing for the respondents submitted that the petitioner has joined the transferred place.

6.In view of the above submission and the decision cited supra, this Court is not inclined to interfere with the order of transfer passed purely on administrative grounds and thus the Writ Petition fails.

7.Accordingly, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is dismissed. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/



To:

1. The Joint Commissioner,  
Commercial Taxes,  
Madurai Division,  
Madurai.

2. The Deputy Commissioner,  
Commercial Taxes,  
Sivagangai Division,  
Sivagangai District.

+1cc to Special Government Pleader, SR.No.846

+1 cc to MR.V.Palanichamy, ADVOCATE, SR NO:674

**W.P. (MD) No.106 of 2017**  
**04.01.2017**

vsn

MK-SU-MMS/30.1.2017/3p-5c