



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

WP(MD)No.17281 of 2017

and

W.M.P.(MD)Nos.13839 and 13840 of 2017

Jeyakumar, S/o.Periyasamy

... Petitioner

vs.

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

... Respondent

Petition filed under Article 226 of the Constitution of India, for issuance of 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 quash the same.

For Petitioner	: Mr.Arun Swaminathan for Mr.SO.Paramasivam
For Respondent	: Mr.D.Muruganantham Additional Government Pleader

ORDER

Mr.D.Muruganantham, learned Additional Government Pleader takes notice for the respondent. By consent, the writ petition is taken up for final disposal.

2.This writ petition is directed against the impugned order dated 07.09.2017 passed by the respondent on the ground that the petitioner was issued with a charge memo dated 24.08.2017, calling upon him to submit his explanation, within 15 days from the date of receipt of the same and immediately, within the stipulated time, i.e., before expiry of 15 days, the petitioner gave his detailed explanation refuting all the allegations made against him. In the meanwhile, before considering his explanation, the impugned order of transfer has been passed, which is nothing, but punitive in nature, therefore, the same is liable to be interfered with.



3.I do not find any merit in the said contention. The reason is, G.O.Ms.No.10, Personnel and Administrative Reforms (Personnel-S) Department, dated 07.01.1994, gives exceptions to the general guidelines, which is given as under:

WEB COPY'III. Exceptions to the General Guidelines

(vii) (f) In cases where severe allegations are pending enquiry, when it is considered necessary in the public interest, and sufficient, in lieu of suspension, that the officer may be transferred. In that case, transfer shall be effected to a vacant post in another station or the post where the junior most person of the same category is working.'

4.In the light of the above, the impugned transfer order dated 07.09.2017, passed against the petitioner cannot be found fault with. Therefore, this writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

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

+1cc to M/S.R.Arun Swaminathan, Advocate SR.No. 78583

+1cc to Special Government Pleader, SR.No. 78753

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JM/RSK/SAR 3/14.09.2017/2P/4C