



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2017

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.(MD)No.20392 of 2017

and

W.M.P.(MD)Nos.16655 & 16656 of 2017

S.Sivanantham

... Petitioner

Vs.

1.The Principal Secretary to Government,
Handlooms, Handicrafts, Textiles and Khadi (E2)
Department,
Secretariat, Chennai-600 009.

2.The Director of Handlooms and Textiles,
Kuralagam, 2nd Floor,
Chennai-600 108.

3.The Assistant Director of Handlooms and Textiles,
29, Kakkan Street,
Shenoy Nagar, Madurai-625 020.

...Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the second respondent i.e., the Director of Handlooms and Textiles, Chennai relating to his impugned orders of transfer in R.C.No.2247/2017/E3 dated 01.11.2017 and quash the same in respect of item No.11 of Paragraph 2 alone and consequently direct the second respondent i.e., the Director of Handlooms and Textiles, Chennai to retain the petitioner at Madurai since the orders of transfer is not based on G.O.Ms.No.179 Handlooms, Handicrafts, Textiles and Khadi (E2) Department dated 26.07.2017, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam
For Respondents : Mr.A.K.Baskara Pandian,
Special Government Pleader.

O R D E R

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent i.e., the Director of Handlooms and Textiles, Chennai relating to his impugned order of transfer in R.C.No.2247/2017/E3 dated 01.11.2017 and quash the same in respect of item No.11 of Paragraph 2 alone and consequently, direct the second respondent i.e., the Director of Handlooms and Textiles, Chennai to retain



the petitioner at Madurai, since the order of transfer is not based on G.O.(Ms).No.179, Handlooms, Handicrafts, Textiles and Khadi (E2) Department dated 26.07.2017, within a specified time frame that may be fixed by this Court.

2. Heard Mr.S.Visvalingam, learned counsel appearing for the petitioner and Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. Since the Writ Petition challenges the order of transfer, it cannot be entertained in view of the settled law that an order of transfer is an incidence of service and cannot be subjected to judicial review except on the grounds of *male fide* or lack of jurisdiction. Hence, the learned counsel for the petitioner has made an endorsement that he is withdrawing the Writ Petition with liberty to make a representation to the concerned authorities.

4. Recording the same, the Writ Petition is disposed of permitting the petitioner to make representation against the impugned order of transfer to the second respondent on or before 15.11.2017 and the second respondent shall dispassionately consider the same and pass reasoned orders on merits in accordance with law and communicate the same to the petitioner on or before 30.11.2017 and file a report of such compliance before the Registrar (Judicial) of this Court by that date. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Handlooms, Handicrafts, Textiles and Khadi (E2) Department,
Secretariat, Chennai-600 009.
2. The Director of Handlooms and Textiles,
Kuralagam, 2nd Floor, Chennai-600 108.
3. The Assistant Director of Handlooms and Textiles,
29, Kakkan Street, Shenoy Nagar, Madurai-625 020.

Copy to: The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.S.VISVALINGAM, Advocate, SR.85554

+1cc to M/S.Special Government Pleader, SR.85995

W.P. (MD) No.20392 of 2017
07.11.2017