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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.11.2017

C O R A M
THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No.21973 of 2017
and
W.M.P. (MD) No.18282 of 2017

S.Kalaivani ... Petitioner
Vs.

1.The Director,
Tamil Nadu Motor Vehicle Maintenance Department,
Velacherry, Chennai.

2.The Regional Deputy Director,
Government Automobile Workshop,
Trichy-23.

3.The Assistant Engineer,
Government Automobile Workshop,
Villupuram.

...Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent dated 21.11.2017 in Se.Mu.Order.no.A4/4520/2017 and the consequential order passed by the 2nd respondent in SEMUKA No.A1/683/2017 (2) dated 24.11.2017 and to quash the same as illegal and consequently direct the respondents to allow the petitioner as Fitter in the present working place before the 2nd respondent officer.

For Petitioner : Mr.R.Mohanasundaram
For Respondents : Mr.R.Velmurugan
Government Advocate

O R D E R

This Writ Petition has been filed to quash impugned order passed by the 1st respondent dated 21.11.2017 in Se.Mu.Order.no.A4/4520/2017 and the consequential order passed by the 2nd respondent in SEMUKA No.A1/683/2017 (2) dated 24.11.2017 as illegal and consequently direct the respondents to allow the petitioner as Fitter in the present working place before the 2nd respondent officer.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard Mr.R.Mohanasundaram, learned counsel, appearing for



the petitioner and Mr.R.Velmurugan, learned Government Advocate, appearing for the respondents.

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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, which cannot be subjected to judicial review except on the limited ground of *male fide* or violation of statutory provisions.

4.In view of the above, the learned counsel for the petitioner seeks permission of this Court to withdraw the Writ Petition and he has also made an endorsement to that effect.

5.However, the learned counsel for the petitioner submits that a representation dated 27.11.2017 has been made by the petitioner against the order of transfer.

6.Recording the submission and the endorsement made by the learned counsel for the petitioner, the Writ Petition is dismissed as withdrawn with an observation that the first respondent shall dispassionately consider the representation of the petitioner dated 27.11.2017 and pass reasoned orders on merits in accordance with law and communicate the same to the petitioner on or before 22.12.2017. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

- 1.The Director,
Tamil Nadu Motor Vehicle Maintenance Department,
Velacherry, Chennai.
- 2.The Regional Deputy Director,
Government Automobile Workshop,
Trichy-23.
- 3.The Assistant Engineer,
Government Automobile Workshop,
Villupuram.

+1cc to Mr.C.K.M.APPAJI, Advocate, SR. 90393

+1cc to M/S.Special Government Pleader, SR.90708

W.P. (MD) No.21973 of 2017
30.11.2017