



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.12.2017
C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

WEB COPY

W.P. (MD) No.23558 of 2017

and

W.M.P. (MD) Nos.19819 and 19820 of 2017

A.Rahmathunissa

... Petitioner

Vs.

1. The Additional Chief Secretary/ Industries
Commissioner and Director of Industries and Commerce,
O/o the Industries Commissioner
and Director of Industries and Commerce,
Guindy, Chennai-32.

2. The General Manager,
District Industries Centre,
Tirunelveli.

3. A.Esakki Durai,
Assistant,
District Industries Centre,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Certiorari, calling for the records relating to the impugned order of transfer passed by the 1st respondent in his proceedings No.28960/EC2/2016 dated 09.02.2017 and consequential impugned order passed by the 2nd respondent in his proceedings ந.க.எண்.403/அ1/2017 dated 10.02.2017 and quash the same.

For Petitioner : Mr.H.Mohammed Imran,
for M/s Ajmal Associates

For Respondents : Mr.A.K.Baskara Pandian
1 and 2 Special Government Pleader

O R D E R

This Writ Petition has been filed for calling for the records relating to the impugned order of transfer passed by the 1st respondent in his proceedings No.28960/EC2/2016 dated 09.02.2017 and consequential impugned order passed by the 2nd respondent in his proceedings ந.க.எண்.403/அ1/2017 dated 10.02.2017 and quash the same.



2. Heard Mr.H.Mohammed Imran, learned counsel, appearing for the petitioner and Mr.A.K.Baskara Pandian, learned Special Government Pleader, appearing for the respondents.

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 ground of *male fide* or lack of jurisdiction.

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 the representation dated 15.09.2017 has been made by the petitioner against the order of transfer, which is pending before the first respondent.

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the submission and the endorsement made by the learned counsel for the petitioner, the Writ Petition is dismissed as Withdrawn with an observation that the first respondent shall dispassionately consider the representation of the petitioner dated 15.09.2017 and pass reasoned orders on merits in accordance with law and communicate the same to the petitioner on or before 31.01.2018. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Additional Chief Secretary/ Industries
Commissioner and Director of Industries and Commerce,
O/o the Industries Commissioner
and Director of Industries and Commerce,
Guindy, Chennai-32.

2. The General Manager,
District Industries Centre, Tirunelveli.

+ 1 cc TO M/S.Ajmal Associates , Advocate in SR No. 94421

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AE/GT/SAR2/09.01.2018/2P/4C