

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

W.P.No.25302 of 2004
and W.P.M.P.No.30760 of 2004

M.Samikkannu

... Petitioner

Vs

1. The Commissioner
Directorate of Rehabilitation
for Physically Handicapped,
15/1, Model School Road,
Thousand Lights, Chennai - 6.
2. The Chief Superintendent
Directorate of Rehabilitation
for Physically Handicapped,
15/1, Model School Road,
Thousand Lights, Chennai - 6.
3. The Assistant Special Officer
Directorate of Rehabilitation
for Physically Handicapped,
15/1, Model School Road,
Thousand Lights, Chennai.
4. The Administrative Officer (Incharge)
Government Rehabilitation Home,
Chengalpattu,
Kancheepuram District - 2.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the Transfer Order in Se.Mu.Order Na.Ka.No.1473/Ma.E.Nir(1)/04, dated 21.07.2004 and relieving order Se.Mu.Na.Ka.No.236/A.Ka./99, dated 26.07.2004 issued by the third and fourth respondents and quash the same as arbitrary, unreasonable, improper, illegal and against the rules and regulations of the respondents and directing the respondents to retain the petitioner as an electrician at Government Rehabilitation Home at Paranur in Kancheepuram District.

For Petitioner : No Appearance
For Respondents : Mr.K.Ravikumar, AGP for R1 to R4

O R D E R

The prayer sought for herein is for a writ of certiorarified mandamus, to call for the records of the Transfer Order in Se.Mu.Order Na.Ka.No.1473/Ma.E.Nir(1)/04, dated 21.07.2004 and relieving order Se.Mu.Na.Ka.No.236/A.Ka./99, dated 26.07.2004 issued by the third and fourth respondents and quash the same as arbitrary, unreasonable, improper, illegal and against the rules and regulations of the respondents and directing the respondents to retain the petitioner as an electrician at Government Rehabilitation Home at Paranur in Kancheepuram District.

2. Challenging the order of transfer, dated 21.07.2004, this writ petition has been filed with the aforesaid prayer.

3. The petitioner was working as an Electrician in the Government Rehabilitation Home at Paranur in Kancheepuram District. While he was working so, based on certain allegations against him and also on administrative reasons, he was transferred to Ya-Puduppatti Government Rehabilitation Home at Madurai on 21.07.2004.

4. Since the said order of transfer was made in the year 2004, assuming that the said order is not on administrative grounds alone, but also based on certain allegations, the petitioner, by this time either could have been transferred to some other place and pursuant to the said allegation, some disciplinary action could have been taken.

5. Since the impugned order of transfer is of the year 2004, based on which, the petitioner cannot claim any right, after these long years, as the transfer is one of the essential service condition of any employee and therefore, the same cannot be interfered with by this Court without any reason, such as malafide action, want of jurisdiction and violation of statutory rules.

6. Here in the case in hand, since nothing has been projected by the petitioner to assail the impugned order, the same can very well be sustained. Accordingly, the writ petition fails.

In the result, this writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

tsvn

To

1. The Commissioner
Directorate of Rehabilitation
for Physically Handicapped,
15/1, Model School Road,
Thousand Lights, Chennai - 6.
2. The Chief Superintendent
Directorate of Rehabilitation
for Physically Handicapped,
15/1, Model School Road,
Thousand Lights, Chennai - 6.
3. The Assistant Special Officer
Directorate of Rehabilitation
for Physically Handicapped,
15/1, Model School Road,
Thousand Lights, Chennai.
4. The Administrative Officer (Incharge)
Government Rehabilitation Home,
Chengalpattu,
Kancheepuram District - 2.

+1cc to the Government Pleader, S.R.No.76462

W.P.No.25302 of 2004

NMI (CO)
GSP(29/11/2018)