IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2018

CORAM:

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1549 of 2017
and
C.M.P.No.20324 of 2017

R.Gunasekaran ... Appellant/Writ Petitioner

.. Vs ..

The Additional Chief Secretary/
Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai - 5. ... Respondent/Respondent

Prayer: Writ Appeal filed under Clause 15 of The Letters Patent, against the order dated 28.08.2017 passed by this Court in W.P.No.22949 of 2017.

WP.22919 of 2017: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the respondents in proc No.CP2/2454/2017-III dated 31-07-17 and quash the same.

For Appellant : Mr.Muguntha Rao
for M/s.Adithya Reddy
For Respondent : Mr.M.Hariharan,
Additional Government Pleader

JUDGMENT
(Judgment of the Court was delivered by HULUVADI G.RAMESH, J.)

Heard the learned counsel for the parties for some time.

2. The Writ Appeal is filed challenging the order passed by the learned Single Judge in W.P.No.22949 of 2017, dated 28.08.2017, dismissing the writ petition filed by the appellant challenging the order of transfer of his service.

3. It is the case of the appellant that he is working as Assistant Commissioner (CT) in the Department of Commercial Taxes, Chennai, since 10.08.2010 and now, he has been sought to

be transferred to Sivagangai from Chennai.

4. The grievance of the appellant is that he has got less than one year of remaining service and hence, he seeks the indulgence of this Court.

5. In a similar situation, in W.A.Nos.1004, 1065 and 1081 of 2017, this Court, citing the Government Letter dated 11.07.1994 bearing No.39201/Per.S/94-1 Personnel and Administrative Reforms (Per.S) Department, Madras, issued by the Chief Secretary to Government, allowed the said writ appeals by setting aside the transfer order passed by the respondent therein and also the orders passed by the learned single Judge and directed the authorities to consider the case of the employee therein on the ground that their remaining service is less than one year. The said decision squarely applies to the case on hand.

6. In view of the above, the Writ Appeal is allowed and the order passed by the learned single Judge in W.P.No.22949 of 2017 dated 28.08.2017 is set aside and the respondent is directed to consider the case of the appellant for his retention in the present Station itself. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True copy//

Sub Assistant Registrar

Jrl

To

The Additional Chief Secretary/
Commissioner of Commercial Taxes,
Ezhilagam, Chepauk,
Chennai - 5.

+1cc to Mr.Adithya Reddy, Advocate SR.No.
+1cc to Government Pleader(Taxes) SR.No.8973

W.A.No.1549 of 2017

KJ(CO)
GN(27/02/2018)