

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.8.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

Writ Appeal No.1735 of 2018

R.Asupathy

.. Appellant

Vs.

1. State of Tamil Nadu
rep. by its Secretary
Forest Department
Fort St. George
Chennai 600 009.

2. The Managing Director
Tamil Nadu Forest Plantation
Corporation Ltd.
Karur Road
Mallachipuram
Kambarasampettai
Trichy 620 101.

... Respondents

Appeal under Clause 15 of Letters Patent filed against the order dated 18.7.2018 made in W.P.No.14234 of 2018 on the file of this Court. Writ petition filed under Article 226 of the constitution of India, praying to issue a writ of certiorari calling for the records and order of transfer in M.D. S.O.No.12/2018/E2 in Ref.No.2764/2018/E2 dated 17.5.2018 issued by 2nd respondent to the petitioner and quash the same.

For Appellant : Mr.C.Prakasam

For Respondents 1&2: Mr.M.Santhanaraman
Spl. Govt. Pleader (Forest)

J U D G M E N T

(Delivered by Huluvadi G.Ramesh,J)

This writ appeal is directed against the order dated 18.7.2018 made in W.P.No.14234 of 2018 on the file of this Court.

2. Heard Mr.C.Prakasam, learned counsel appearing for the appellant and Mr.M.Santhanaraman, learned Special Government Pleader appearing for the respondents.

3. It appears that the appellant has been transferred by the second respondent by proceedings dated 17.5.2018 from Virudhachalam Region to Villupuram Region. The said transfer order was challenged by the appellant on the ground that he is a heart patient and that he had suffered heart stroke. The learned single Judge, taking note of the fact that the appellant had not joined the new place in view of the interim order and that the transfer which has been made on administrative grounds cannot be interfered with unless the same was passed mala fide, dismissed the writ petition.

4. While dismissing the writ petition, the learned single Judge, has observed that the respondent shall not take any coercive action against the appellant, if the appellant joins the new place within seven days and that after joining, if the appellant makes any representation, the same shall be considered taking note of the ailment of the appellant.

5. A perusal of the order of the learned single Judge makes it clear that though the writ petition was dismissed, the appellant was given an opportunity to make a representation to the second respondent for re-transfer on health grounds, after joining duty and the same has to be considered within six weeks. Therefore, we are of the view that the appellant cannot have any grievance and accordingly, we do not see any reason to interfere with the order of the learned single Judge.

6. However, in view of the submission made by the learned counsel for the appellant that the appellant is suffering from facial paralysis and that the distance between the original place and the transferred place is around 100 kms, we direct the second respondent to consider the representation of the appellant sympathetically, if he makes a representation after joining the transferred place and to pass orders within two weeks from the date of such representation.

7. The writ appeal is disposed of accordingly. There shall be no order as to costs. Consequently, CMP No.13845 of 2018 is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//
Sub Assistant Registrar

kpl

To

1. The Secretary
Forest Department
Fort St. George, Chennai 600 009.
2. The Managing Director
Tamil Nadu Forest Plantation Corporation Ltd.
Karur Road, Mallachipuram,
Kambarasampettai, Trichy 620 101.

+ 1 cc to Mr. C. Prakasam, Advocate Sr.56016

W.A.No.1735 of 2018

JP(CO)
EU(10/09/2018)



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