

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.1758 of 2018
and C.M.P.No.14113 of 2018

Venkateshan ... Appellant

-vs-

1.The District Collector,
Thiruvannamalai District.

2.The Block Development Officer,
The Block Development Office,
Kalasapakkam Taluk.

3.The Commissioner,
The Panchayat Union,
Kalasapakkam Taluk,
Thiruvannamalai District.

... Respondents

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.27627 of 2017 dated 06.11.2017. Writ petition filed under Article 226 of the constitution of India seeking a writ of certiorari and Mandamus to call for the records relating to the issuance of the order in reference in Na.Ka. No.9584/ 2017/ Chaothi-1 dated 04.10.2017 of the 1st Respondent herein and quash the same as illegal and further direct the Respondents to retain the as a Noon Meals illegal and further direct the Respondents to retain the as a Noon Meal Organizer in the Existing Working Place at Government Boys Higher Secondary School Adhamangalam Village Kalasapakkam Taluk Thiruvannamalai District itself.

For Appellant :: Ms.S.P.Arthi
For Respondents:: Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

The appellant filed a writ petition before this Court in W.P.No.27627 of 2017 to set aside the transfer order dated 04.10.2017 passed by the first respondent transferring the appellant from Aadhamangalam Village, Kalasapakkam Taluk, Thiruvannamalai District, to Government Panchayat Primary School, Gidaampalayam Village, Thiruvannamalai District. When

the said writ petition was taken up, it was submitted on behalf of the State that the respondents have recalled the transfer order and they have passed another transfer order citing administrative reasons. Recording the same, the writ petition was dismissed on 06.11.2017 giving liberty to the appellant to challenging the subsequent transfer order. Challenging the order passed in the writ petition, the present writ appeal has been filed by the appellant.

2. When this appeal was taken up, the learned Special Government Pleader appearing for the respondents has submitted that after disposal of the writ petition, subsequently, another transfer order has been passed on 04.11.2017 by the first respondent on administrative grounds. It is also submitted that the transfer order dated 04.11.2017 has been passed only by mutual consent.

3. The learned counsel for the appellant has submitted that the appellant is unaware of the transfer order dated 04.11.2017. It is further submitted that the appellant has to walk for 10 kms and he is 53 years old and for no good reason, he has been transferred. Thus, she submitted that the second transfer order was not passed on mutual consent.

4. Heard the learned counsel on either side and perused the materials available on record.

5. It is seen that the learned single Judge has dismissed the writ petition only after recording the submission made by the learned Additional Government Pleader that they have recalled the earlier transfer order and that a fresh order will be issued citing administrative reasons. Subsequently, another transfer order dated 04.11.2017 has been passed. Now, it is submitted by the learned Special Government Pleader that the said order has been passed with the consent of the appellant, but according to the appellant, it is not so. Hence the transfer order passed by the first respondent dated 04.11.2017 is hereby set aside. In the event of any transfer to be made, the respondents shall do the same in accordance with law.

6. The writ appeal is disposed of accordingly. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

KM

TO

1.The District Collector,
Thiruvannamalai District.

2.The Block Development Officer,
The Block Development Office,
Kalasapakkam Taluk.

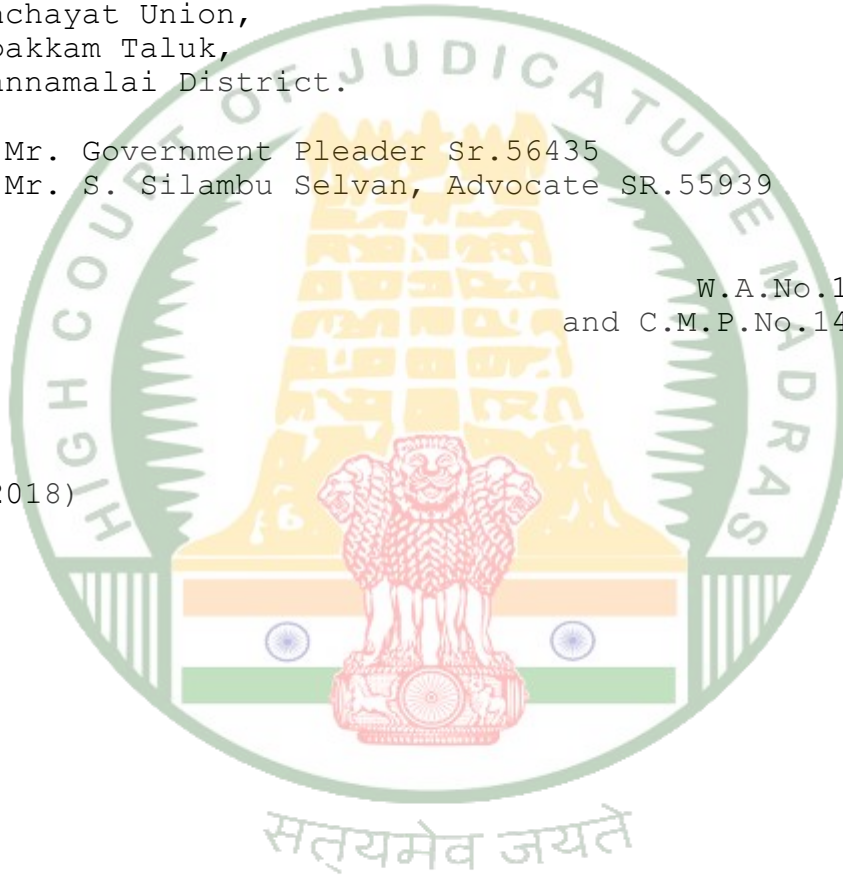
3.The Commissioner,
The Panchayat Union,
Kalasapakkam Taluk,
Thiruvannamalai District.

+ 1 cc to Mr. Government Pleader Sr.56435

+ 1 cc to Mr. S. Silambu Selvan, Advocate SR.55939

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PA(CO)
EU(12/09/2018)



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