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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.03.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13957 of 2018

1.G.Babu
2.K.Allimuthu
3.K.Anandhan
4.M.Veeramani
5.M.Palanisamy
6.K.C.Arumugam
7.K.Madhu

.. Petitioners

vs

1. The Commissioner of Municipal Administration,
Ezhilagam,
Chepauk,
Chennai-600 005.

2. The Commissioner,
Komarapalayam Municipality,
Namakkal District.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 01.06.2018 made in Na.Ka.No.14882/2018/J3 passed by the first respondent, quash the same and consequently direct the respondents to permit the petitioners to continue their service as the sanitary workers in the second respondent Municipality.

For Petitioner : Mr.N.Manokaran for 1st petitioner

For Respondents : Mr.A.N.Thambidurai
Special Govt. Pleader for R1

Mr.T.M.Pappiah
Special Govt. Pleader for R2

ORDER

The order of transfer is under challenge in the present writ petition. Though, the writ petition was initially filed by



the seven petitioners, the petitioners 2 to 7 had already withdrawn the writ petition today in W.M.P.No.7452 of 2019 with the permission of this Court. As far as the first writ petitioner is concerned, he had been appointed in the Transferred Post and now working.

2. The learned counsel for the first petitioner states that, the order of transfer has been issued by way of punishment and therefore, the same is liable to be scrapped.

3. This Court is of an opinion that, transfer is an incidental to services more so a condition of service. However, an order of transfer can be challenged if it was issued by an-competent authority or on allegation of malafide raised or if the same has been issued by the way of punishment.

4. Though, the learned counsel for the first petitioner states that, it is an order of punishment and the same has disputed by the respective learned Special Government Pleaders appearing on behalf of the respondents. There are many allegations against the first petitioner and the competent authorities have issued an order of transfer on administration grounds and for the purpose of effective administration in the particular station. However, certain personal grievances expressed by the learned counsel for the first petitioner has to be redressed only through the Competent Authorities. The Competent Authorities are empowered to consider the said representation if any submitted by the first petitioner to accommodate him in any nearby places.

5. In this regard, the first petitioner is permitted to submit a representation to the authority concerned, setting out of the facts and details. In the event of any such representation, the first respondent is directed to consider the same and pass orders on merits and in accordance with law within a reasonable period of time. The personal grievances if any stated also shall be considered by the Competent authorities.

With these directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vji / dua



To

1. The Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai-600 005.

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2. The Commissioner,
Komarapalayam Municipality,
Namakkal District.

+lcc to Mr.N.Manokaran, Advocate, S.R.No.22320

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CS/29/03/2019