

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.23471 of 2018
and
W.M.P.No.27389 of 2018

T.Veerasami

... Petitioner

Vs.

1. The Director
Rural Development and Panchayat
Raj Department,
Panagal Building,
Saidapet, Chennai - 600 015.
2. The District Collector,
Dharmapuri District,
Dharmapuri.
3. The District Collector,
Salem District,
Salem.
4. The Special Officer cum
Assistant Director (Audit)
Dharmapuri District,
Dharmapuri.
5. The Commissioner,
Kadayampatti Panchayat Union,
Kadayampatti, Salem District.
6. The Commissioner,
Kaarimangalam Panchayat Union,
Kaarimangalam, Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the respondents 1, 2, 4, and 6 to issue an order of transfer to the petitioner to the office of 6th respondent as Record Clerk based on the recommendation of 1st respondent dated 25.04.2018 in Na.Ka.No.25358/2018/E2 and a reminder dated 30.05.2018 forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.A.N.Thambidurai,
Special Govt. Pleader for R1 to R4

Mrs.K.Bhuvaneswari
Government Advocate for R5 and R6

O R D E R

This writ petition has been filed seeking issuance of writ of mandamus, directing the respondents 1, 2, 4, and 6 to issue an order of transfer to the petitioner to the office of 6th respondent as Record Clerk based on the recommendation of 1st respondent dated 25.04.2018.

2. A counter affidavit has been filed on behalf of the third and fifth respondents stating that there is no vacancy in the post of Record Clerk in the 6th respondent Office and therefore, the request of the petitioner has been rejected.

3. The learned counsel appearing for the petitioner submitted that the petitioner would prefer a petition seeking transfer by mutual consent and in the event of such request being filed, the respondents may consider the same and pass orders.

4. The learned Special Government Pleader appearing for the respondents 1 to 4 submitted that in respect of application seeking transfer by mutual consent, the 3rd respondent has to process and send a recommendation to the first respondent and only thereafter, the first respondent can pass orders on the request made.

5. In view of the above, the petitioner shall submit an application seeking transfer by mutual consent to the 3rd respondent, within a period of one week from the date of receipt of a copy of this order. On receipt of such application from the petitioner, the 3rd respondent shall commence the process and send the recommendation to the first respondent, within a period of two weeks thereafter. On receipt of such recommendation, the first respondent shall pass orders on merits and in accordance with law, within a period of four weeks thereafter.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Director
Rural Development and Panchayat
Raj Department,
Panagal Building,
Saidapet, Chennai - 600 015.

2. The District Collector,
Dharmapuri District,
Dharmapuri.

3. The District Collector,
Salem District,
Salem.

4. The Special Officer cum
Assistant Director (Audit)
Dharmapuri District,
Dharmapuri.

+1 cc to Mr.C.Prakasam, Advocate, SR No.77725

+1 cc to the Government Pleader, Advocate, SR No.77682

sr(co)
ssm(28/12/18)

W.P.No.23471 of 2018

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