

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 18.07.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.14234 of 2018 and

W.M.P.No.16808 of 2018

R.Asupathy

...Petitioner

Versus

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

Prayer :

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 17.05.2018 issued by the 2nd respondent to the petitioner and quash the same.

For Petitioner : Mr.J.Antony Jesus

For R1 : Mr.K.K.Ramesh,
Government Advocate(Forest)

ORDER

The petitioner, who is working as an Assistant in Tamil Nadu Forest Plantation Corporation Limited, has challenged the order of transfer dated 17.05.2018 from Virudhachalam Region to Villupuram Region issued by the second respondent on the ground that he is a heart patient and he has also suffered from heart stroke.

2. It appears that such transfer has been made on administrative ground. Transfer is an incident of service and the authority has wide power in the matter of transfer. The same is not interfered with unless the said order is passed being actuated with malafide. The petitioner could not bring to the notice of this Court any materials indicating the fact that the order of transfer is actuated with malafide. Hence this writ petition is without any substance and accordingly the same is liable to be dismissed.

3. However, if the petitioner, who has not yet joined in the new place of posting and has been protected by this Court by the interim order dated 19.06.2018, joins in the new place of posting within seven days hence, no coercive action shall be taken against him for non joining soon after the transfer order and such period to be regularised by allowing the leave to the petitioner as permissible to him. Furthermore, it is again observed that if the petitioner joins in the new place of posting and thereafter makes any representation ventilating his grievances that the same needs to be revisited taking note of his ailment, the authority shall consider the same taking into consideration the facts and situations of the case within six weeks from filing of such representation.

4. With the above observations, the writ petitions stands dismissed. Consequently, connected miscellaneous petition is closed. However, in the circumstances there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
State of Tamil Nadu,
Forest Department,
Fort St. George, Chennai-600 009

+1cc to Mr.J.ANTONY JESUS, Advocate, S.R.No. 47512
+1cc to the Spl Government Pleader, S.R.No. 47417

W.P.No.14234 of 2018

SSI (CO)
TR(24/07/2018)