



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No. 2880 of 2018

and

W.M.P. (MD). Nos. 3039 & 3040 of 2018

G.Kumar

.. Petitioner

Vs.

1.The Principal Secretary/
Transport Commissioner,
Ezhilagam,
Chegauk,
Chennai - 600 005.

2.The Regional Transport Officer,
Madurai South,
Madurai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records on the file of the first respondent in connection with the impugned order of transfer passed in Proc.No.778/R1/2018 (E.O.No.67/2018), dated 09.02.2018 and quash the same as illegal and arbitrary.

For petitioner
For respondents

: Mr. G.Thalaimuthrasu
: Mrs.S.Srimathy
Special Government Pleader

O R D E R

Mrs.S.Srimathy, learned Special Government Pleader takes notice for the respondents.

2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner is working as Superintendent in the office of the second respondent. He has been visited with the impugned order of transfer dated 09.02.2018. The petitioner has been transferred from Madurai South to Vaniyambadi, Vellore District. The said order is assailed in this writ petition.



4. The learned counsel appearing for the petitioner highlighted the fact that the impugned order of transfer is punitive in nature. He had ventilated a certain service grievance and this Court by order dated 14.11.2016 in W.P.(MD).No.13828 of 2011 had directed the first respondent to consider his representation. There was some delay on the part of the authority to comply with the order of this Court. Therefore the petitioner herein issued a contempt notice dated 29.01.2018. Thereafter, the first respondent passed an order of rejection dated 08.02.2018. That was followed by the impugned order of transfer dated 09.02.2018. Therefore, the sequence of events, prima facie indicate that the impugned order of transfer has been passed with some other consideration in mind.

5. When this Court indicated the same to the learned Special Government Pleader, it was submitted that the petitioner can submit his representation and that the same would be considered.

6. The learned counsel appearing for the petitioner also fairly submitted that he would not question his transfer from Madurai and that he would be satisfied if he is accommodated in a nearby place. The petitioner has also submitted a representation dated 16.02.2018, which was sent by way of e-mail. The first respondent is directed to pass orders, posting the petitioner in some other place which would be near Madurai. Such an order of posting the petitioner shall be passed within a period of one week from today.

7. With these observations and directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd-/
Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To:

1. The Principal Secretary/ Transport Commissioner,
Ezhilagam, Cheqauk, Chennai - 600 005.
2. The Regional Transport Officer, Madurai South, Madurai.
+One cc to Mr.G.Thalaimutharasu, Advocate, SR.No.49627
kmi
RL/4C/2P/KK/SAR1/21/2/2018

ORDER MADE IN
W.P. (MD) .No.2880 of 2018

19.02.2018