



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 18.04.2018  
CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

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W.P.(MD)No.8504 of 2018  
and  
W.M.P.(MD) No.8008 of 2018

A.Muthukumar

... Petitioner

Vs.

1) The Principal Chief Conservator of Forests,  
Panagal Maligai, Saidapet,  
Chennai 600 015.

2) The Conservator of Forests,  
Tirunelveli Circle,  
Tirunelveli - 7.

3) The District Forest Officer,  
Tirunelveli Division, Tirunelveli -7

4) The Conservator of Forests,  
Vellore Circle,  
Vellore District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to the proceedings in ந.க.எண்.ண2/27304/2017 dated 04.04.2018 and quash the same and consequently direct the respondents to post the petitioner as Junior Assistant in any of the vacant places available in the Tirunelveli District by considering the representation given by the petitioner dated 07.04.2018.

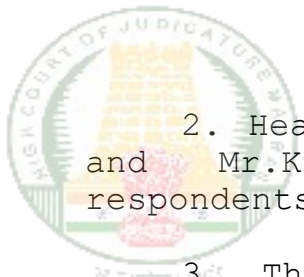
For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.K.Saravanan,

Learned Government Advocate.

O R D E R

The prayer sought for in this Writ Petition is for seeking to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to the proceedings in ந.க.எண்.ண2/27304/2017 dated 04.04.2018 and quash the same and consequently direct the respondents to post the petitioner as Junior Assistant in any of the vacant places available in the Tirunelveli District by considering the representation given by the petitioner



2. Heard Mr.N.Sathish Babu, learned counsel for the petitioner and Mr.K.Saravanan, learned Government Advocate appearing for the respondents.

3. The short facts which are required to be noticed for disposal of the Writ Petition are as follows:-

3.1. The petitioner was working as Junior Assistant in the third respondent office. While so, the petitioner was placed under suspension on 13.04.2016 on the ground that, a criminal case in Cr.No.245 of 2016 was pending against him.

3.2. The said suspension order was continuing against the petitioner for several months. Therefore, the petitioner had approached this Court by filing a Writ Petition in W.P.(MD)No.23243 of 2017, where this Court, by order dated 23.01.2018 has passed the following order:

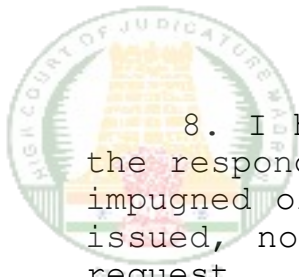
"3.Now, the question is whether the petitioner should be continued under suspension. It is seen that the suspension order was passed some 21 months ago. No purpose will be served in keeping the petitioner under suspension. The respondent is directed to revoke the order of suspension and reinstate the petitioner in service forthwith. Since it is seen that the criminal case arose out of some quarrel with fellow employees, it is open to the respondent to post the petitioner in some other place. "

4. Pursuant to the said order, taking a clue that it is open to the respondents to post the petitioner in some other place, by the impugned order dated 04.04.2018, the petitioner is reinstated after revoking the suspension, however by transferring him to Vellore District. Challenging the same, the petitioner has approached this Court, by way of filing this Writ Petition.

5. I have heard both the learned counsels on either sides and perused the materials placed before this Court.

6. Since this Court has already shown its indulgence, where it was indicated that the petitioner can be posted some where else, taking a clue, now the petitioner has been transferred to Vellore District, which is seen from the impugned order. Therefore, this Court does not find any reason for interference in the said order which is challenged herein. Hence, it need not be interfered with.

7. At the same time, the learned counsel for the petitioner would submit that subsequent to the impugned order, the petitioner has given a representation on 07.04.2018 wherein, he has expressed his difficulties and family circumstances and requested the respondents to consider posting instead of Vellore District, to any other place of Tirunelveli district or nearby place. Further, the learned counsel for the petitioner would submit that, if the said representation is directed to be considered on merits and in accordance with law, the petitioner will be satisfied.



8. I have heard the learned Government Advocate, appearing for the respondents in this regard, who would state that, since the said impugned order of transfer has been made, pursuant to the direction issued, no further indulgence to be shown towards the petitioner's request.

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9. Be that as it may. The petitioner cannot be entitled to seek any particular place for posting as a matter of right, as the transfer is a necessary service condition of an employee and therefore in that view, this Court does not want to interfere with the impugned order any further in this regard. However, since the petitioner has made the request, subsequently, expressing his difficulties, touching upon the family circumstances of him, this Court is inclined to pass the following order:

9.1 That the said request of the petitioner by way of his representation dated 07.04.2018 shall be considered by the first respondent, and pass order to that effect on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

10. With these directions and observations, this Writ Petition is disposed of. No costs. Consequently, connected W.M.P.(MD) No.8008 of 2018 is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1) The Principal Chief Conservator of Forests,  
Panagal Maligai, Saidapet,  
Chennai 600 015.
- 2) The Conservator of Forests,  
Tirunelveli Circle,  
Tirunelveli - 7.
- 3) The District Forest Officer,  
Tirunelveli Division, Tirunelveli -7.
- 4) The Conservator of Forests,  
Vellore Circle,  
Vellore District.

+1cc to M/S.N.Sathish Babu, Advocate SR.No. 61855

Order in  
W.P.(MD)No.8504 of 2018  
18.04.2018