



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2018

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.9481 of 2018
and
W.M.P.(MD)No.8733 of 2018

K.Ramakrishnan ... Petitioner
Vs.

1.The Chief Commissioner and
Commissioner for Revenue Administration,
Ezhilagam,
Chennai 600 005.

2.The District Collector,
Ramanathapuram.

3.The District Collector,
Tuticorin.

4.The Head Quarter Thashildar,
Kadaladi,
Ramanathapuram.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned proceedings issued by the 4th respondent in his proceeding in O.Mu./5619/2017 (A2) dated 18.09.2017 and quash the same and consequently direct the respondents to consider the request of the petitioner more fully by transferring him from Ramanathapuram District to Thoothukudi District as per letter issued by the Government in Ms.No.92/S/2009, dated 22.07.2009.

For Petitioner : Mr.P.Karthick

For Respondents R1 to R4 : Mr.K.M.U.Muthu, AGP

O R D E R

The petitioner has come forward with the present Writ petition to issue a Writ of Certiorarified Mandamus, to quash the impugned proceedings in O.Mu./5619/2017(A2) dated 18.09.2017 passed by the fourth respondent and consequently, direct the respondents to consider the request of the petitioner by transferring him from Ramanathapuram District to Thoothukudi District as per letter issued by the Government in Letter Ms.No.92/S/2009, dated 22.07.2009.



2.The petitioner, who is serving as Village Administrative Officer at Kadaladi Taluk, has made a representation to the respondent concerned for transferring him from Ramanathapuram District to Thoothukudi District, which is his native place on the ground that he is physically handicapped and also citing his mother's illness. However, by the impugned order dated 18.09.2017, the third respondent has rejected the request of the petitioner. Challenging the same, the petitioner is before this Court with the present Writ petition for the aforesaid relief.

3.Today when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents submitted that there are 69 vacancies available in and around Thoothukudi District.

4.The reason assigned in the impugned order in rejecting the request of the petitioner cannot be accepted in the light of G.O.Ms.10 Personnel and Administrative Reforms (S) Department, dated 07.01.1994 and Letter (Ms.)No.92/S/09, dated 22.07.2009. In addition to the above, more than one year has gone by and there is no impediment for the respondent concerned to consider the request of the petitioner afresh.

5.In such view of the matter, the impugned order dated 18.09.2017 passed by the third respondent is hereby quashed and the petitioner is directed to make a fresh representation to the second respondent / District Collector, Ramanathapuram, who in turn shall forward such request to the first respondent / Chief Commissioner and Commissioner for Revenue Administration, Chennai, who is the competent authority to consider the request of the petitioner in the light of G.O.Ms.10 Personal and Administration Department, dated 07.01.1994 and Letter (Ms.)No.92/S/09, dated 22.07.2009 for effecting transfer. Such exercise shall be done by the second respondent within a period of 15 days from the date of receipt of a copy of the representation from the petitioner and thereafter, the first respondent shall consider the request of the petitioner within a period of 15 days thereafter.

6.Accordingly, this Writ petition is disposed of. No costs. Consequently, connected W.M.P.is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-III)



nbj

To

1.The Chief Commissioner and
Commissioner for Revenue Administration,
Ezhilagam,
Chennai 600 005.

2.The District Collector,
Ramanathapuram.

3.The District Collector,
Tuticorin.

4.The Head Quarter Thashildar,
Kadaladi,
Ramanathapuram.

+3cc to Mr.P.Karthick, Advocate in SR No.85071
+1cc to The Spl Government Pleader, SR No.85193

W.P. (MD) No. 9481 of 2018

NM/SKN/SAR III/26.10.18/3P/9C.