



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.12648 of 2016

and

WMP (MD) Nos.9566, 9567 and 9934 of 2016

T.Ravikumar

... Petitioner

Vs.

1. The Commissioner of Adi Dravidar Welfare,
Chepauk, Chennai - 5.
2. The District Adi Dravidar Welfare Officer,
Tirunelveli District, Tirunelveli.
3. The Special Tahsildar (ADW),
Cheranmahadevi,
Tirunelveli District.
4. S.Nirmala,
District Adi Dravidar Welfare Officer,
Tirunelveli District,
Tirunelveli.

... Respondents

Prayer: This writ petition is filed under Article 226 of 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 by him in his proceedings in Na.Ka.No.01/13520/2016 dated 15.07.2016 and the consequential impugned relieving order passed by the third respondent in his proceedings in Na.Ka.A/194/2016 dated 16.07.2016 and quash the both as illegal and arbitrary.

For petitioner	: Mr.G.Thalaimutharasu
For Respondents	: Mr.K.Saravanan, Government Advocate.

ORDER

Heard the learned counsel on either side.

2.The petitioner is employed as a Graduate Warden. He was originally working in Government Adi Dravidar Boys Hostel, Cheranmahadevi Union, Kadayam, Tirunelveli District. By order dated 15.07.2016, the petitioner was transferred from Tirunelveli District to Karur District. The same is assailed in this writ petition.

3.This Court had granted interim order in favour of the writ petitioner. In the mean while, a substitute had been appointed



in the place of the petitioner. Therefore, the petitioner has been accommodated in Ambasamudram Taluk, Tirunelveli District. The petitioner is now willing to continue to work in the same place.

4.A reading of the counter affidavit would show that the order impugned in this writ petition has actually been passed on an administrative grounds. The learned counsel appearing for the petitioner placed reliance on the decision of the Hon'ble Supreme Court reported in **(2009) 3 MLJ 727 (SC) (Somesh Tiwari vs. Union of India and Others)**. The Hon'ble Supreme Court has held that if a transfer order is not passed on administrative grounds, it would suffer from malice in law.

5.A reading of the counter affidavit shows that the authorities chose to transfer the petitioner since number complaints were received from the parents and it is stated that the petitioner has not discharged his duties as Tutor cum Warden. It is also alleged that the petitioner prevented the carrying out of certain repair works. The petitioner had invoked the provisions of the Right to Information Act and obtained a copy of the communication dated 06.03.2016 sent by the second respondent to the first respondent.

6.In the said communication, the second respondent who has been impleaded as fourth respondent had blamed the petitioner for fomenting litigations. Therefore, this Court comes to the conclusion that the order impugned in this writ petition has not really been passed for administrative reasons.

7.On this ground, the orders impugned in this writ petition are quashed. However, taking note of the submission of the learned counsel for the petitioner, the petitioner can continue to work at Ambasamudram Taluk, Tirunelveli District itself. The authorities shall not transfer the petitioner to Kadayam because the impugned order has been quashed. It is seen that there is a delay of eight months in joining the present posting. The said period shall be taken into account as one of service and computed for all other purposes. The writ petition is disposed of accordingly. Consequently connected Miscellaneous Petition are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>

1. The Commissioner of Adi Dravidar Welfare,
Chepauk, Chennai - 5.



2. The District Adi Dravidar Welfare Officer,
Tirunelveli District, Tirunelveli.

3. The Special Tahsildar (ADW),
Cheranmahadevi,
Tirunelveli District.

+1cc to Mr.G.Thalaimutharasu, Advocate Sr.No.46031

SKM

VB/PN/SAR1/11.07.2018/3P/5C

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