

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2019

CORAM :

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Writ Appeal No.1596 of 2019 and
CMP No.10921 of 2019

M.C.S.Rammanohar ... Appellant/Petitioner

Vs

1. The Engineer in Chief (Water Resources Department)
and Chief Engineer (General)
Public Works Department (WRD)
Chepauk
Chennai - 600 005
 2. The Engineer in Chief (Buildings)
and Chief Engineer (Chennai Region)
Public Works Department
Chepauk
Chennai - 600 005
 3. The Superintendent Engineer
Building Construction and Maintenance Circle
(Medical Works)
Public Works Department
Chepauk
Chennai - 600 005.
 4. The Executive Engineer
Buildings - Construction Division-1
(Medical Works)
Public Works Department
Chepauk
Chennai - 600 005
- ... Respondents/Respondents

PRAYER: Writ Appeal filed under clause 15 of the Letters Patent, against the Order dated 11.04.2019 in W.P.No.10875 of 2019.

Prayer in W.P.No.10875 of 2019:-

This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records in pursuant to the impugned order issued by the 1st respondent in proceeding order No.S3(1) / 20020/2019 dated 14.02.2019 and quash the same.

For Appellant : Mr.K. Kannan

For respondents: Mrs.A.Srijayanthi
(Special Government Pleader)

J U D G M E N T
(Order of the Court was made by K.K.SASIDHARAN,J.)

The appellant, a Superintendent in the Office of the Public Works Department at Chepauk was transferred to Water Resource Department at Taramani. The order was un-successfully challenged before the Writ Court. Feeling aggrieved the appellant has come up with this intra Court appeal.

2. The learned Counsel for the appellant submitted that the appellant was transferred during the non-transferable period and as such the learned single Judge was not correct in dismissing the Writ Petition. According to the learned counsel, the Superintending Engineer wanted the appellant to prefer a complaint against a co-employee. Since the appellant refused to oblige, he was un-ceremoniously transferred.

3. We have perused the materials available on record and the order passed by the learned single Judge.

4.It is true that the appellant has alleged malafides against the Superintending Engineer. However, the fact remains that the Superintending Engineer is not a party to the Writ Petition in his personal capacity.

5.The appellant was transferred from Chepauk to Taramani. The transferred place is also within the city. It was not a punishment transfer. Except the fact that the transfer was made during the non-transferable period, there are no reasons given by the appellant to justify his contention that it was a punishment transfer. We are therefore of the view that the learned single Judge was correct in dismissing the Writ Petition.

6.In the upshot, we dismiss the intra Court Appeal. No

costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vrn/pri

To

1. The Engineer in Chief (Water Resourced Department)
and Chief Engineer (General)
Public Works Department (WRD)
Chepauk, Chennai - 600 005
2. The Engineer in Chief (Building)
and Chief Engineer (Chennai Region)
Public Works Department
Chepauk, Chennai - 600 005
3. The Superintendent Engineer
Building Construction and Maintenance Circle
(Medical Works)
Public Works Department
Chepauk, Chennai - 600 005.
4. The Executive Engineer
Buildings - Construction Division-1
(Medical Works)
Public Works Department
Chepauk, Chennai - 600 005

+1 cc to The Government Pleader, SR.No.43173

Writ Appeal No.1596 of 2019 and
CMP No. 10921 of 2019

CSL/01.07.2019

WEB COPY