

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

W.A.No.1529 of 2019
And
C.M.P.No.10416 of 2019

D.Chandrasekaran ... Appellant

Vs.

1. The Tamilnadu Agricultural University
Rep by its Registrar,
Coimbatore - 3.
2. The Director - Extension Education
Tamilnadu Agricultural University
Coimbatore - 3.
3. Dr.A.Akila ... Respondents

Prayer:

Writ appeal filed under Clause 15 of the Letters Patent against the order dated 09.04.2019 in W.P.No.7570 of 2019.

Prayer in W.P.No.7570 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the 1st respondent in its No.A5/4900/2019 dated 05.03.2019 and quash the same in so far as the petitioner is concerned.

For Appellant : Mr.V.Vijay Shankar

For Respondents : Mr.Abdul Saleem

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

The appellant was transferred from Indian Council of Agricultural Research - Krishi Vigyan Kendra, Tirur to Kudumiyamalai in Pudukottai by transferring the post from Ambasamudram. The said order was un-successfully challenged.

Feeling aggrieved by the order dismissing the writ petition, the appellant has come up with this intra court appeal.

2. When this appeal came up for hearing on 26.04.2019, the learned counsel for the appellant contended that the University ought not have transferred the appellant as he is only a basic servant. According to the learned counsel, the relevant Regulations does not permit inter district transfers of basic servants like Office Assistant. The learned counsel further contended that it was only on account of the influence exerted by Dr.A.Akila, who is enemically in disposing of against him that the transfer was made.

3. The learned counsel for the respondents on the other hand contended that it is only an administrative transfer taking into account the exigency of service. The University opened a new Agricultural College and Research Institute at Kudumiyamalai and it was only taking into account the vacancy in the said Institution, the appellant was transferred.

4. We have perused the entire documents available on record and considered the submissions made on behalf of the parties.

5. We have pointed out to the learned counsel for the respondents that in case it would not be possible for a basic servant to work in a different District far away from his native place, as such it would be in the interest of the University to re-consider the matter. We also directed the learned counsel to take instructions as to whether there would be any vacancy in the district of Thiruvallur for accommodating the appellant.

6. When the intra court appeal was taken up for hearing on 29.04.2019, the learned counsel for the appellant submitted that there is a vacancy in the post of Office Assistant at the Rice Research Station, Tirur and the appellant could be accommodated there. We have therefore adjourned the matter to be posted today so as to enable the respondents to pass appropriate orders for transfer.

7. When the intra court appeal is taken up for further hearing today, the learned counsel for the respondents produced a copy of the proceedings issued by the Registrar, Tamil Nadu Agricultural University dated 29.04.2019 cancelling the earlier transfer and transferring the appellant as Office Assistant, Non Plan, Rice Research Station, Tirur and submitted that the appellant would be permitted to join in the transferred place forthwith.

8. In view of the subsequent events referred to above, there is no need for further adjudication of the issue raised by the

appellant in the present intra court appeal. It is open to the appellant to join in the present place pursuant to the proceedings dated 29.04.2019.

9.The intra court appeal is disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pri/vrn

To

1. The Registrar,
Tamilnadu Agricultural University
Coimbatore - 3.
2. The Director - Extension Education
Tamilnadu Agricultural University
Coimbatore - 3.

+1 cc to Mr.V.Vijay Shankar, Advocate, S.R.No.42983

W.A.No.1529 of 2019

And

C.M.P.No.10416 of 2019

VD(CO)
SSM(27/06/2019)

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