

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.07.2019

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.16793 of 2019

C.Rajkumar

... Petitioner

Vs.

1.The Additional Chief Secretary/Commissioner of
Revenue Administration,
Office of the Commissioner of Revenue Administration
and Disaster Management,
Chennai - 600 005.

2.The Collector, Thanjavur,
Thanjavur District.

3.The Collector, Theni
Theni District.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 13.03.2019 requesting for transfer to his native District, namely, Theni District taking into consideration the vacancies existing in Thekkampatti, Megamalai, Kodangipatti, Koolayanur, Vadaveeran Naicken Patti and Anaimalayan @ Mathingapuram Villages.

For Petitioner : Mr.P.Manoj Kumar

For Respondents : Mr.J.Pothiraj
Special Government Pleader

ORDER

The petitioner is presently working as Village Administrative Officer in Kabisthalam Village, Papanasam Taluk, Thanjavur District. He was originally appointed as Village Administrative Officer on 14.04.2012 in Olaipadi Village, Papanasam Taluk, Thanjavur District. He was thereafter transferred to Soolamangalam - II Sethi Village on 01.07.2016 and again transferred to Kabisthalam Village on 05.10.2017. The petitioner's native place is Theni District.

2.On 18.05.2012 the petitioner applied for transfer to his native District namely, Theni District in view of his family circumstances. Since his application dated 18.05.2012 seeking for transfer to Theni District was not considered, he has submitted representations on 07.01.2013, 01.09.2013, 24.06.2014 and 23.12.2015 to the first respondent through proper channel.

3.In response to his representations, the Collector, Thanjavur in his letter dated 29.07.2016 addressed to the Collector, Theni requesting him to convey his willingness for the petitioner's one way transfer to Theni District. In response to the said letter, the Collector, Theni conveyed his willingness for one way transfer of the petitioner vide letter dated 29.06.2017. While the matter stood thus, on 13.12.2018 the 1st respondent ordered transfer of 8 Village Administrative Officers to other Districts as per their request. Out of the said 8 Village Administrative Officers, one V.A.O. namely T.Devi has been transferred from Thanjavur to Theni District. Unfortunately, the name of the petitioner did not figure in the transfer order. In the said circumstances, he submitted a representation on 13.03.2019 to the 1st respondent once again requesting to transfer him to Theni District. According to the petitioner, there are six vacancies in Theni District as on date in Thekkampatti, Megamalai, Kodangipatti, Koolayanaur, Vadaveeran Naicken Patti and Anaimalayan @ Mathingapuram. According to him, he can be accommodated in any of those above villages. But despite the vacancies, no orders have been passed accommodating the request of the petitioner. Therefore, the petitioner is before this Court seeking for issuance of writ of mandamus.

4.On notice, Mr.J.Pothiraj, learned Special Government Pleader has entered appearance and submitted that a direction may be issued to the 1st respondent to dispose of the representation submitted by the petitioner on 13.03.2019 within the time to be stipulated by this Court.

5.In the light of the above, the Writ Petition is disposed of, with the following direction:

(i) The 1st respondent or any other competent authority shall pass order on the representation dated 13.03.2019 submitted by the petitioner requesting for transfer to his native place namely, Theni District, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

(ii) The 1st respondent is also directed to take note of the vacancies that are available in Theni District and consider the

case of the petitioner sympathetically and pass orders. No costs.

Sd/-

Deputy Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

Sgl

To

1.The Additional Chief Secretary/Commissioner of
Revenue Administration,
Office of the Commissioner of Revenue Administration
and Disaster Management, Chennai - 600 005.

2.The Collector, Thanjavur,
Thanjavur District.

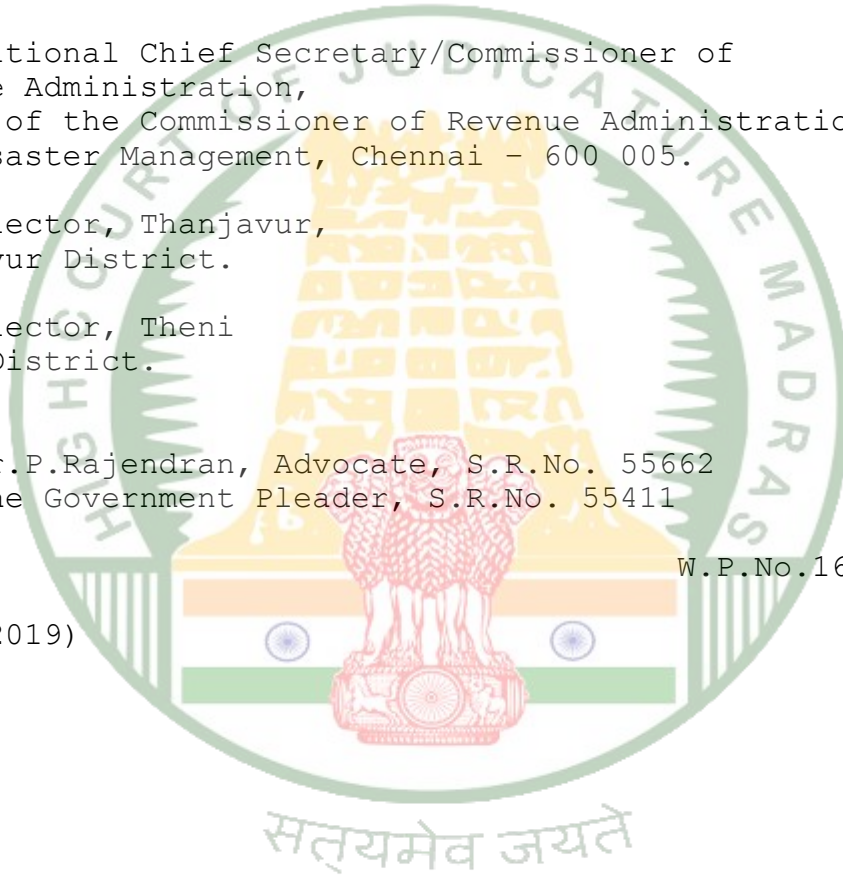
3.The Collector, Theni
Theni District.

+1cc to Mr.P.Rajendran, Advocate, S.R.No. 55662

+1cc to the Government Pleader, S.R.No. 55411

W.P.No.16793 of 2019

RR(CO)
GN(24/07/2019)



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