

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2019

CORAM

THE HONOURABLE Mrs. JUSTICE D.KRISHNAKUMAR

W.P. No.35077 of 2014
& MP Nos.1 & 2 of 2014 & 2 of 2015

Mohammed Shahabdeen

.. Petitioner

Vs.

1. The Government of Tamilnadu,
rep. by the Principal Secretary,
Industries Department,
Fort St. George,
Chennai-9
2. The Chairman,
SIPCOT Ltd.,
19-A, Rukmani Lakshmipathi Road,
Egmore, Chennai-08
3. The Managing Director,
SIPCOT Ltd,
19-A, Rukmani Lakshmipathi Road,
Egmore, Chennai-08

.. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the order of the third respondent in proceedings No.E3/Misc./03/2014 dated 16.12.2014 and quash the same.

For Petitioner : Mr.A.Edwin Prabakar
For R1 : Mr.V.Shanmuga Sundar, Spl.G.P.
For RR2 &3 : Mr.Sudharshana Sundar

O R D E R

By consent of both parties, this Writ petition is taken up for final disposal.

2. The petitioner has challenged the impugned order of transfer, dated 16.12.2014 passed by the third respondent, transferring the petitioner from Chennai to Bargur with a mala fide intention that too in the middle of the academic year.

According to the petitioner, earlier he filed a Writ Petition in W.P.No.23981 of 2014 seeking for promotion, which was disposed of by this Court directing the respondents to consider the claim of the petitioner. Since no action was forthcoming, the petitioner moved a contempt petition before this Court, wherein, a notice was issued to the respondents. However, the respondent subsequently rejected the claim of petitioner for promotion, against which, the petitioner moved a Writ Petition. According to the petitioner, the third respondent with a malafide intention to take vengeance, purposefully transferred the petitioner by impugned order of transfer dated 16.12.2014 from Chennai to Bargur, which is more than 400 k.m. from the present place of working. Hence, the petitioner has come forward with the present writ petition.

3. A counter affidavit has been filed on behalf of the respondents, inter alia, denying the allegations made by the petitioner. However, it is stated that the petitioner made entire allegations against one Selvaraj, who was then Chairman-cum-Managing Director at the time of filing of the writ petition and now there is change in the post of Chairman-cum-Managing Director of the third respondent. Therefore, now the third respondent may not have objection to consider and take a decision on the representation/complaint dated 30.10.2017 made by the petitioner.

4. In the light of the above, this Court, without going into the merits of the complaint said to have been made by the petitioner, directs the third respondent to consider the petitioner's complaint dated 30.10.2017 and take a decision, on merits and in accordance with law, also affording due opportunity of hearing to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
The Government of Tamilnadu,
Industries Department,
Fort St. George,
Chennai-9

2. The Chairman,
SIPCOT Ltd.,
19-A, Rukmani Lakshmipathi Road,
Egmore, Chennai-08

3. The Managing Director,
SIPCOT Ltd,
19-A, Rukmani Lakshmipathi Road,
Egmore, Chennai-08

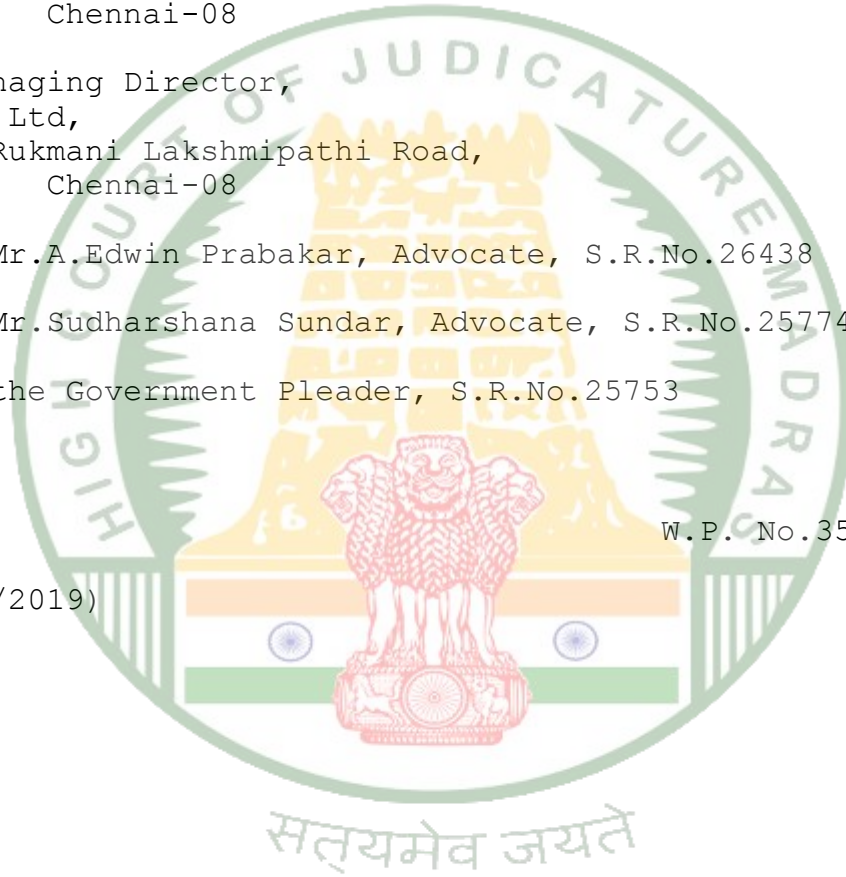
+1 cc to Mr.A.Edwin Prabakar, Advocate, S.R.No.26438

+1 cc to Mr.Sudharshana Sundar, Advocate, S.R.No.25774

+1 cc to the Government Pleader, S.R.No.25753

RSI (CO)
SSM(20/05/2019)

W.P. No.35077 of 2014



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