



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.34381 of 2019
and WMP.No.35050 of 2019

G.Singaravel

... Petitioner

-Vs-

1.The District Collector,
Nagapattinam,
Nagapattinam.

2.The Personal Assistant to District Collector (Development),
Nagapattinam District,
Nagapattinam.

3.The Block Development Officer/Commissioner,
Thirumarugal Panchayat Union,
Thiruvarugal,
Nagapattinam District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 3rd respondent to implement the order of transfer issued by the 2nd respondent in proceedings Se.Mu.Na.Ka.248/U.Va.2/2019 dated 21.11.2019 by permitting the petitioner to join in the post of Jeep Driver of Jeep No.TN51G 0433 assigned to the Block Development Officer/Commissioner of Thirumarugal Panchayat Union, Nagapattinam with all consequential service and monetary benefits and to pass any other further orders.

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mr.V.Prabhu

Government Advocate for RR1 & 2.

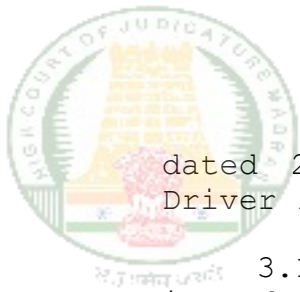
Mr.Perumal

Government Advocate for R3.

O R D E R

By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed for issuance of Writ of Mandamus directing the third respondent to implement the order of transfer issued by the second respondent in his proceedings



dated 21.11.2019 and to permit the petitioner to join as a Driver in the concerned Panchayat Union.

3.It is seen from records that the second respondent had issued an order dated 21.11.2019 transferring the petitioner and posting him as Jeep Driver for the third respondent. The petitioner submitted his joining report to the third respondent and requested his permission to permit the petitioner to join the post. Since the third respondent did not permit the petitioner to join the post, the present writ petition has been filed before this Court.

4.Heard Mr.R.Prem Narayan, learned counsel for the petitioner, Mr.V.Prabhu, learned Government Advocate for respondents 1 and 2 and Mr.Perumal, learned Government Advocate for the 3rd respondent.

5.The learned Government Advocate on instructions submitted that the petitioner did not join in the place to which he was transferred and presently the code of conduct is in force due to the local body election and therefore, the petitioner can join the services of the third respondent after the completion of the local body election.

6.The transfer order has been passed by the second respondent as early as on 21.11.2019. It is also seen from records that the petitioner has submitted his joining report on 22.11.2019. There is no reason as to why the petitioner must not be permitted to join the service and perform his job as a Driver. The code of conduct will have nothing to do in the present case since the petitioner is only seeking to permit him to act as the Driver in the transferred place pursuant to an order which has already been passed.

7.In view of the above discussion, there shall be a direction to the third respondent to permit the petitioner to join the post of Jeep Driver at the office of the Thirumarugal Panchayat Union immediately and the consequential benefits shall also to be paid to the petitioner forthwith.

8.This writ petition is accordingly allowed. No costs. Connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar



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To

1.The District Collector,
Nagapattinam,
Nagapattinam.

2.The Personal Assistant to District Collector (Development),
Nagapattinam District,
Nagapattinam.

3.The Block Development Officer/Commissioner,
Thirumarugal Panchayat Union,
Thiruvarugal,
Nagapattinam District.

+1 CC to Mr.R.Prem Kumar, Advocate sr 105933.
+1 CC to The Govt. Pleader sr 106235.

W.P.No.34381 of 2019
and
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EV(CO)
SP(07/01/2020)