

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2019

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THE HONOURABLE DR.JUSTICE VIMALA

W.P.No.32832 of 2018

and

W.M.P.Nos.38038 & 38039 of 2018

M.Muthukumar

.. Petitioner

Vs

1.The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.

2.The Regional Director,
Municipal Administration,
Tirupur.

3.The Commissioner,
Dharapuram Municipality,
Dharapuram.

.. Respondents

Writ Petition filed under Article 26 of the Constitution of India seeking issuance of writ of certiorarified mandamus, to call for the records relating to the order passed by the first respondent dated 03.12.2018 in Na.Ka.No.7055/2018/K1 and to quash the same and consequently direct the respondents to allow the petitioner to continue to work in Dharapuram Municipality as manager.

For Petitioner : Mr.P.Wilson
Senior Counsel

For R1 & R2 : Mr.A.N.Thambidurai,
Special Govt. Pleader

For R3 : Mr.P.Srinivas, Standing Counsel

ORDER

This writ petition has been filed challenging the impugned order dated 03.12.2018, by which, the petitioner has been transferred from Dharapuram Municipality to Cuddalore Municipality.

2. According to the learned counsel for the petitioner, the petitioner is a victim of frequent transfer, on account of pending litigation filed by him and therefore, the transfer order should be quashed.

3. The learned counsel appearing for the respondent submitted that whenever there is an order of transfer, the petitioner was not in the habit of joining at the transferred place immediately, but, was proceeding on leave and only thereafter he would join. It is further submitted that the present impugned order was passed on account of administration exigency and not with any mala fide intentions.

4. However, considering the fact that the transfer has been effected within a non-transferable period and having regard to the request made by the petitioner that at least till the end of the academic year, he must be retained in Dharapuram District, this Court directed the authorities to furnish the list of places where vacancy in the cadre as held by the petitioner is vacant.

5. On instructions, the learned counsel for the respondent submitted that the vacancies are in Chidambaram, Karur, Namakkal and Kanchipuram.

6. Out of four places, the nearest place is stated to be Karur, which is stated to be 70 km away from Dharapuram Municipality.

7. The learned counsel for the petitioner submitted that it is difficult for the petitioner to travel from Dharapuram to Karur daily, however, having regard to the offer made, the petitioner would join at Karur.

8. Accordingly, the respondents are directed to issue proceedings posting the petitioner at Karur within a period of one week from the date of receipt of a copy of this order.

9. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

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To

1.The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.

2.The Regional Director,
Municipal Administration,
Tirupur.

3.The Commissioner,
Dharapuram Municipality,
Dharapuram.

+1cc to Mr.P.Srinivas, Advocate SR.No.712

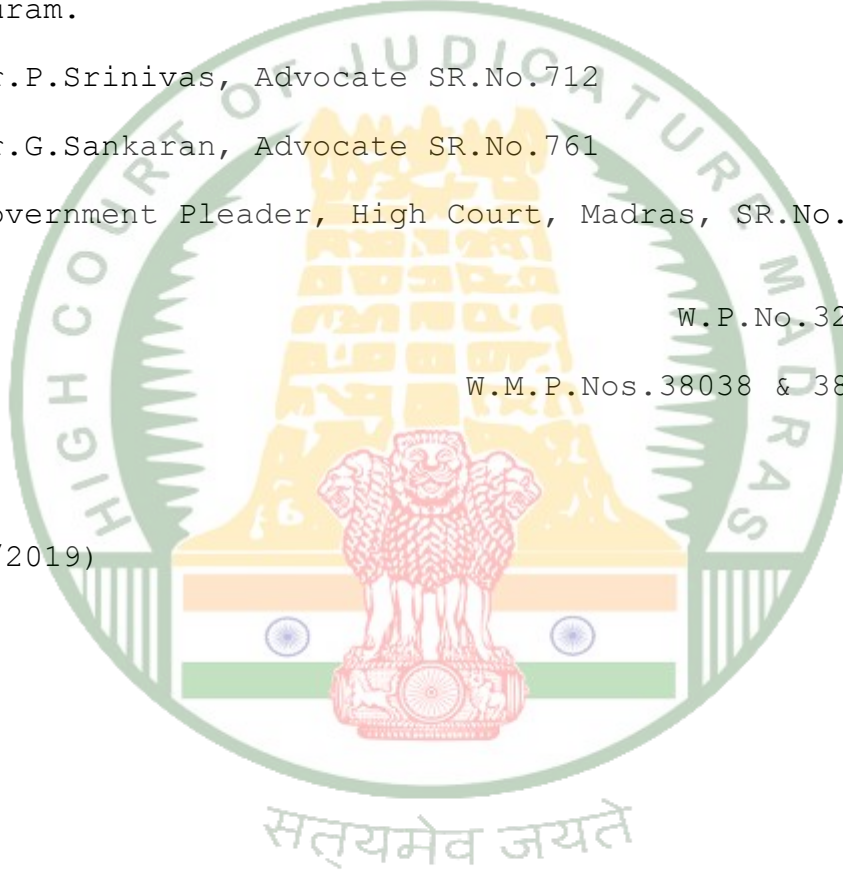
+1cc to Mr.G.Sankaran, Advocate SR.No.761

+1cc to Government Pleader, High Court, Madras, SR.No.993

W.P.No.32832 of 2018
and

W.M.P.Nos.38038 & 38039 of 2018

GP (CO)
GMY (21/01/2019)



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