



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.06.2019

CORAM:
THE HONOURABLE Mr. JUSTICE D. KRISHNAKUMAR

W.P. (MD) No. 13007 of 2019
and
W.M.P (MD) Nos. 9702 & 9703 of 2019

T.Thibakaran

... Petitioner

Vs.

1. The Deputy Director General,
National Cadet Corps Directorate,
(Tamil Nadu, Puducherry and
Andaman-Nicobar),
Fort St. George, Chennai-09.

2. NCC Group Headquarters,
No.4 First Floor,
Subramanian Building,
Promenade Road, Tiruchirapalli-620 001.

... Respondents

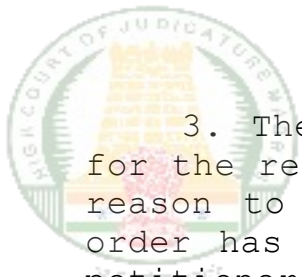
PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the Impugned Order in Memo No.1343/2/SC on the file of the Respondent No.1 dated 28.05.2019 in so far as the transfer of petitioner is concerned and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.Aayiram K.Selvakumar,
Central Government Standing Counsel,

O R D E R

The petitioner has filed the present writ petition challenging the impugned transfer order.

2. The learned counsel appearing for the petitioner would submit that the petitioner was working as an Assistant with utmost sincerity and without any blemish for the past four years and three months. Now, by virtue of impugned order, the petitioner was posted to 3 (TN) Air Sqn(T) NCC, Trichy. The petitioner made an application for transfer and retain him in the existing office at 14(TN) BN NCC, Dindigul by stating the reason that the petitioner's grand-father is aged about 93 years and he is staying with him and also to look after his mother and she also suffered from some illness. The said request was not considered by the respondents and hence, the petitioner has filed the present writ petition for the aforesaid relief.



3. The learned Central Government Standing Counsel appearing for the respondents has submitted that the petitioner has no valid reason to challenge the impugned order. Moreover, the impugned order has been passed on administrative grounds. Therefore, the petitioner is not entitled for the relief as prayed for.

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4. As rightly pointed out by the learned Standing Counsel appearing for the respondents that the impugned order was passed in the light of the dictum laid down by this Court. Hence, this Court cannot interfere with the order passed by the respondents. But, however, this order will not stand in the way of the first respondent in considering the representation of the petitioner, dated 29.05.2019, if any vacancy arose in future. Accordingly, first respondent is directed to consider the petitioner's representation, dated 29.05.2019 and pass appropriate orders on merits and in accordance with law, as expeditiously as possible.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Deputy Director General,
National Cadet Corps Directorate,
(Tamil Nadu, Puducherry and
Andaman-Nicobar),
Fort St. George, Chennai-09.

2. NCC Group Headquarters,
No.4 First Floor,
Subramanian Building,
Promenade Road, Tiruchirapalli-620 001.

+ 1 CC to Mr.Aayiram.K.Selvakumar, Advocate in SR.No.67829
+ 1 CC to Mr.T.Lajapathi Roy, Advocate in SR.No.68112

W.P(MD)No.13007 of 2019