



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 3861 of 2013

and

M.P. (MD) No. 1 of 2013

V.S.Sankaranarayanan

... Petitioner

-Vs-

1. The District Collector,
Virudhunagar,
Virudhunagar District.

2. The Block Development Officer,
Vembakottai Union,
Vembakottai,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records of the second respondent passed in the impugned proceedings in Na.Ka.P1/292/2013 dated 01.03.2013 and quash the same.

For Petitioner : Mr.A.Alagusundar

For Respondents : Mr.D.Muruganantham

Additional Government Pleader

ORDER

The writ petitioner was initially working at Virudhunagar District Rural Development Wing. The writ petitioner was on leave and on expiry of leave, an order of transfer was issued in proceedings, dated 14.05.2012 transferring the writ petitioner to the Block Development Office, Vembakottai, which was vacant place.

2. Along with the transfer order the writ petitioner approached the second respondent, who in turn passed an order in proceedings dated 01.03.2013 stating that the jeep maintained in the office was not in usage and this apart the jeep driver was paid salary for about nine months without any work. Thus in the interest of public administration the writ petitioner was relieved from service. Thus, the writ petitioner ought to have approached the authorities for placing him in any other place or post. Contrarily, the writ petitioner has chosen to challenge the very relieving order, which was issued on administrative grounds.

3. The Block Development Officer, Vembakottai categorically stated that the jeep was not in usage and the driver was paid salary for about nine months without any work. Undoubtedly the reason is



genuine and administrative in nature. This being the factum, it is for the writ petitioner to approach the competent authority for posting him to some other place. The relieving order was issued on administrative exigency and on certain genuine grounds.

4. The counter affidavit filed by the Block Development Officer states that after relieving from Vembakottai Office, the writ petitioner was posted at Kariyapatti Panchayat Union Officer by the Virudhunagar District Collector vide order in Na.Ka.No.8040/2013/Q2 dated 15.03.2013. On receiving the order, the petitioner made a representation to the District Collector on 19.03.2013 requesting to post him at Srivilliputhur. At the request of the writ petitioner, the District Collector, Virudhunagar posted the writ petitioner as Driver at the office of the Assistant Executive Engineer, Srivilliputhur on 04.04.2013. Now the petitioner is working at Srivilliputhur.

5. This being factum of the case, the order dated 01.03.2013 lost its relevancy. The writ petitioner accepted the subsequent order of posting and now he is working at Srivilliputhur. Thus, no further consideration is required in this petition. Accordingly, this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Block Development Officer,
Vembakottai Union,
Vembakottai,
Virudhunagar District.

+1 CC to Mr.S.ALAGUSUNDAR, Advocate (SR-68368[F] dated 13/06/2019)
+1 CC to SPL GP (SR-68451[F] dated 13/06/2019)

W.P.(MD)No.3861 of 2013
12.06.2019

ta