

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.287 of 2020
and CMP.No.4713 of 2020

N. Ekambaram ... Appellant/Petitioner

-vs-

1.The Director of School Education,
DPI Campus,
E.V.K. Sampath Maligai,
College Road,
Chennai - 600 006.

2. The Chief Educational Officer,
Villupuram District
Villupuram

... Respondents/Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 06.09.2019 made in W.P.No.26372 of 2019 on the file of this Court. Petition filed under Article 226 of the constitution of India praying to issue a writ of order or direction in the nature of writ of certiorari Mandamus to call for the records relating to the impugned order dated 30.05.2019 made in Na.Ka.No.15160/A2/2018 passed by the 2nd respondent in so far as transferring the petitioner to Kadambur Government High School Villupuram District for the post of BT Assistant - Mathematics to quash the same and consequently the direct the 2nd respondent to reinstate the petitioner in service with all monetary benefits at V.Agaram Colony Government High School Villupuram Taluk and District as BT Assistant-Mathematics forthwith.

For Appellant : Mr.C. Prabakaran

For Respondent : Mr.C. Munusamy,
Spl.G.P

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

We have heard learned counsel for the appellant and Mr.C.Munusamy, learned Special Government Pleader for Education Department.

2. This appeal is directed against the judgment of the learned Single Judge, whereby, the challenge raised to a transfer order has been declined.

3. The background is that the appellant had been allegedly charge sheeted for not having attended his duties properly, which proceedings are pending and he was also suspended. The suspension order was revoked on 02.11.2018. Thereafter, the appellant has been transferred on 30.05.2019, which the appellant alleges to be a malafide act and amounts to punishment even without concluding the disciplinary proceedings as the appellant has been transferred almost 120 kms away.

4. We have considered the submissions raised and we find that after the revocation of the suspension, the appellant came to be transferred after five months thereon. The transfer order came to be challenged before this Court and the writ petition was dismissed by the learned Single Judge on 06.09.2019.

5. This matter is being heard in June 2020 and we are unable to comprehend about the status of the joining of the appellant. In such a situation, we leave it open to the appellant to move an appropriate representation to the competent authority viz., the second respondent for any appropriate orders in this regard, including his request for alteration if any, in the transfer order itself. We further direct that the disciplinary proceedings be also concluded preferably within six weeks and the appellant shall also co-operate with the same.

6. With the aforesaid observations, the appeal stands disposed of. No costs. Connected civil miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

sr

To

1. The Director of School Education,
DPI Campus,
E.V.K. Sampath Maligai,
College Road,
Chennai - 600 006.

2. The Chief Educational Officer,
Villupuram District
Villupuram.

W.A.No.287 of 2020

SSI (CO)
EU 25.6.2020



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