

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.9425 of 2020

and

W.M.P.No.11516 & 11518 of 2020

P.Raju

... Petitioner

Vs.

1.The Commissioner,
Department of Economics & Statistics,
DMS Compund, Teynampet,
Chennai - 6, Tamil Nadu.

2.The Statistical Joint Director,
District Statistical Officer,
Erode, Erode District - 600 011,
Tamil Nadu.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent pertaining to the impugned order bearing reference No.4735/E1/2020, dated 25.02.2020 and quash the same in so far as the petitioner is concerned, consequently direct the first respondent to consider the petitioner's representation dated 11.03.2020.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondents : Mr.P.S.Siva Shanmugasundaram
Special Government Pleader

ORDER

The matter is taken up through web hearing.

2.The writ petition is filed with the following prayer;

"To call for the records of the first respondent pertains to the impugned order bearing reference No.4735/E1/2020, dated 25.02.2020 and quash the same in so far as the petitioner is concerned, consequently direct the first respondent to consider the petitioner's representation dated 11.03.2020."

3.The petitioner was working as Assistant under the Control of the second respondent. According to him he was issued with a show cause notice dated 23.01.2020, pointing out certain minor dereliction of duty on his part during January, 2020. The petitioner appears to have submitted his explanation stating that he was undergoing eye surgery during the relevant time.

4.According to the petitioner, when the show cause notice was suitably responded to, the first respondent has passed an order on 25.02.2020, transferring him from the second respondent Office to the Office of the Deputy Director, Statistical Office, Ramanathapuram District on administrative grounds. The said proceedings is the subject matter of challenge in the present Writ Petition.

5.On behalf of the respondents, notice was taken by Mr.P.S.Siva Shanmugasundaram, learned Special Government Pleader, on 20.07.2020 and he was directed to get instructions and the matter was adjourned to today i.e., 22.07.2020.

6.Mr.P.S.Siva Shanmugasundaram, learned Special Government Pleader, would submit that the petitioner had submitted his representation on 11.03.2020, requesting that he may be considered for posting either in Tiruppur or Coimbatore District in respect of the available vacancy, in view of his health condition and family circumstances. On instructions, the learned Special Government Pleader would submit that there is a vacancy at Tiruppur District and the first respondent may be directed to consider posting of the petitioner to the available vacancy at Tiruppur.

7.The learned counsel appearing for the petitioner would also agree that a direction may be issued to the first respondent to consider, since the petitioner himself has requested for he being posted either in Tiruppur or Coimbatore.

8.Considering the submissions made by the learned counsels appearing on behalf of the parties, this Court is of the view that a direction is to be issued to the first respondent to consider the request of the petitioner.

9.In the above circumstances, this Court is convinced that the request of the petitioner may be sympathetically considered and in that regard, the first respondent is directed to pass appropriate orders accommodating the petitioner in the available vacancy at Tiruppur District and such exercised shall be completed within a period of two weeks from the date of receipt of copy of this order. It is made clear that this order is passed in view of the submission made on behalf of the respondent.

10.The Writ Petition is disposed of as above. No costs.
Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

To

1.The Commissioner,
Department of Economics & Statistics,
DMS Compound, Teynampet,
Chennai - 6, Tamil Nadu.

2.The Statistical Joint Director,
District Statistical Officer,
Erode, Erode District - 600 011,
Tamil Nadu.

+1CC to Govt.pleader in SR No.25204

W.P.No.9425 of 2020

SKS (SO)
RV 26/08/2020



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