

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.23863 of 2019

K.Natarajan

.. Petitioner

-vs-

1.The Registrar (District Judiciary),
High Court, Madras - 108.

2.The Principal District Judge,
Cuddalore District, Cuddalore.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, calling for the records of the respondents in connection with the impugned order passed by the 1st respondent in R.O.C.No.88102-A/2018/C.1 dated 02.08.2019 and the 2nd respondent in A.No.263/2019 dated 03.08.2019 and quash the same and direct the respondents to repost the petitioner at present place in Cuddalore District and grant him all consequential service and monetary benefits.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.P.Kannan Kumar

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard learned counsel for the petitioners and it is urged that the order of transfer is not based merely on an administrative exigency, but from a perusal of the counter-affidavit of respondent No.1, it appears that the facts which led to the transfer of the petitioners amounts imputing a motive, for which, neither an enquiry, nor an opportunity was given. The contention therefore is that it is not in administrative exigency and accordingly, the transfer order cannot be sustained.

2. Learned counsel for the respondents has invited the attention of the Court to the two affidavits filed, one by respondent No.1 and the other by respondent No.2, and the

argument of learned counsel for the petitioners that they are at variance in our opinion cannot be accepted for the simple reason that the order impugned in the writ petition clearly spells out only administrative exigency.

3. A reason not existing in the impugned order cannot be read otherwise with the aid of the averments made in the counter-affidavits, as it is settled law that no reasons can be supplemented through an affidavit to an order of which judicial review is sought and which does not contain any such reason. Accordingly, the impugned order is to be construed as it is and which clearly indicates that it was passed in an administrative exigency.

4. Learned counsel for the petitioner submits that the transfer order is causing personal inconvenience as well to the petitioner and therefore, the same may be reviewed appropriately.

5. For this, it will be open to the petitioner to move a representation before the competent authority and therefore, we consign this petition without prejudice to the rights of the petitioner to represent in the matter. No costs. Consequently, W.M.P.Nos. 23707 and 23709 of 2019 are closed.

Sd/-
Assistant Registrar(JJ Act)

// True Copy//

Sub Assistant Registrar

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To:

1.The Registrar (District Judiciary),
High Court, Madras - 108.

2.The Principal District Judge,
Cuddalore District, Cuddalore.

+1cc to Mr.M.Muthappan, Advocate, SR.No.2862.

W.P.No.23863 of 2019

GP(CO)
CSR:13.02.2020