



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2020

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No. 7367 of 2020

F.Daisy

... Petitioner

-Vs-

1.The Director of Town Panchayats,
7th & 8th Floor, Urban Administrative Office Campus,
Raja Annamalaipuram,
Chennai-600 028.

2.The Assistant Director,
Town Panchayats,
N.G.O.Colony,
Tirunelveli.

3.The Executive Officer,
Thisayanvilai Town Panchayat,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to consider the representation of the petitioner dated 01.01.2020 and on that basis, transfer the petitioner from Thisayanvilai Town Panchayat at Tirunelveli District to Kayatharu Town Panchayat at Thoothukudi District as Bill Collector.

For Petitioner : Mr.J.Jawahar

For Respondents : Mr.A.Thiyagarajan
Government Advocate

ORDER

The prayer sought for herein is a Writ of Mandamus, to direct the first respondent to consider the representation of the petitioner dated 01.01.2020 and on that basis, transfer the petitioner from Thisayanvilai Town Panchayat at Tirunelveli District to Kayatharu Town Panchayat at Thoothukudi District as Bill Collector.



2. Heard Mr.J.Jawahar, learned counsel appearing for the petitioner and Mr.A.Thiyagarajan, learned Government Advocate, who accepts notice on behalf of the respondents.

3. By consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.

4. That the petitioner is working as a Bill Collector at Thisayanvilai Special Grade Town Panchayat, Tirunelveli and she is a physically disabled person. According to the petitioner, her husband is also a sick person and with the sick husband as well as the child, the petitioner is suffering. As she has to travel from Kayatharu to Thisayanvilai being a physically disabled person, the every day travel become a nightmare and that too in the COVID-19 period in the absence of public transport system, it is very difficult for this petitioner being a physically disabled person to reach her Office. Therefore, in order to get transfer from the present place to Kayatharu First Grade Town Panchayat at Thoothukudi District, she had given a representation on 01.01.2020 to the respondents, especially the first respondent and the learned counsel appearing for the petitioner submits that if the said representation is directed to be considered on merits and in accordance with law within a time frame to be stipulated by this Court, the petitioner would be satisfied.

5. However, on the other hand, Mr.A.Thiyagarajan, learned Government Advocate appearing for the respondents would submit that the Government issued G.O.No.249, Finance (Budget General-I) Department, dated 21.05.2020, under which, various austerity measures have been announced in order to meet the COVID-19 situation, where the learned Government Advocate relied upon para 2 (g) of the Government Order, which reads thus:-

'2.....

g) General transfers shall be kept on hold for 2020-21 to minimize expenditure on transfer travel expenses. Only transfers on administrative grounds by an authority higher than the authority normally empowered to transfer and mutual request transfers will alone be allowed. '

6. By relying this condition imposed by the Government in the said G.O.No.249, learned Government Advocate would submit that during this COVID-19 period, no transfer would be permitted, unless if the higher authority than the transferring authority decided to transfer some stray cases. Therefore, the present request made by the petitioner cannot be considered atleast during the COVID-19 period.

7. I have considered the submissions made by the learned counsel on both sides and perused the materials placed before this Court.



8.No doubt, as has been pointed out by the learned Government Advocate, the request of the petitioner made through his representation dated 01.01.2020 cannot be considered by the Government during the COVID-19 period. However, once on COVID-19 situation improved and the normalcy is restored, this Court feels that there can be no impediment for considering the said request of the petitioner.

9.Therefore, in the light of the above, the following orders are passed in this writ petition:-

'that the respondent, especially the first respondent is hereby directed to consider the representation of the petitioner dated 01.01.2020 on merits and in accordance with law and pass orders thereon as early as possible immediately after the restoration of normalcy after the COVID-19 period.'

10.Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS)

// True Copy //

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Sub Assistant Registrar(CS)

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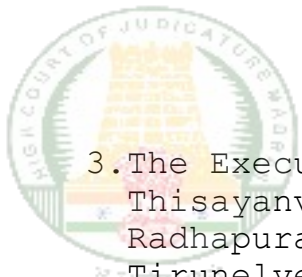
Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1.The Director of Town Panchayats,
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Raja Annamalaipuram,
Chennai-600 028.

2.The Assistant Director,
Town Panchayats,
N.G.O.Colony,
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<https://hcservices.ecourts.gov.in/hcservices/>



3. The Executive Officer,
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