



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.08.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.9844 of 2020

WEB COPY

M.Marimuthu

... Petitioner

-Vs-

The Director General,
Highways Department,
HRS Campus,
76, Sardhar Patel Road,
Guindy, Chennai 600 025.

...Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondent herein to consider the representation of the petitioner dated 12.03.2020 within a stipulated period as fixed by this Court.

For Petitioner : Ms.M.Padmavathy

For Respondents : Mr.K.Mu.Muthu

Additional Government Pleader

ORDER

Prayer sought for herein is for a Writ of Mandamus, to direct the respondent herein to consider the representation of the petitioner, dated 12.03.2020 within a time frame to be stipulated by this Court.

2.Heard Ms.M.Padmavathy, learned counsel appearing for the petitioner and Mr.K.Mu.Muthu, learned Additional Government Pleader appearing for the respondents.

3.By consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

4.The petitioner has been working as Junior Engineer at Sivagiri Division under the respondent department from 07.03.2019. While so, suddenly the father and brother of the petitioner died at a time. Due to the shock, the mother of the petitioner has got some mental illness, she is 80 years old.

5.Therefore, in order to look after the mentally ill mother, who is in the advanced age of 80 years, the petitioner is the only person to take care and he has to be with his mother always to take special treatment, for which, there are no facility at the present place i.e., Sivakiri, where the petitioner is currently working. Only on this ground, the petitioner made a request on 12.03.2020 to the respondent department to consider the petitioner to transfer



either to Thoothukudi or Madurai in any available vacancy purely on humanitarian ground as explained above.

6. Therefore, the learned counsel appearing for the petitioner would submit that, if the said request made by the petitioner is directed to be considered by the respondent on merits and in accordance with law within a time frame to be stipulated by this Court by taking into account the family situation of the petitioner as explained above, the petitioner would be satisfied.

7. The learned Additional Government Pleader appearing for the respondent would submit that, the request of the petitioner dated 12.03.2020 would be considered by the respondent on merits and in accordance with law within a time frame to be stipulated by this Court.

8. Having regard to the said submissions made by the learned counsel appearing for both sides and taking into account the aforesaid factual matrix, this Court is inclined to dispose of this writ petition with the following directions:

'that the respondent is hereby directed to consider the representation/request of the petitioner, dated 12.03.2020 by taking into account the family situation, due to the sudden death of the petitioner's father and brother and the illness of the mother of the petitioner, who is 80 years old and accordingly, pass suitable order to that effect considering the request of the petitioner to transfer in any available place either at Thoothukudi or at Madurai thereon, on merits and in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.

9. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

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

The Director General,
Highways Department,
HRS Campus,
76, Sardhar Patel Road,
Guindy, Chennai 600 025.

+1 CC to M/s.GP (SR-14947[F] dated 26/08/2020)

W.P. (MD) No. 9844 of 2020

24.08.2020

AVS (CO)
KK (24.09.2020) 3P 3C