



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :21.12.2020
CORAM

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

WEB COPY

W.P. (MD) No.14980 of 2020
and
W.M.P. (MD) Nos.12616 & 12617 of 2020

K.Kumar

... Petitioner

Vs

1. The District Collector,
Office of the District Collector,
Thanjavur.
2. The Project Director,
Thanjavur District Rural Development Agency,
Thanjavur District.
3. The Personal Assistant to
District Collector, Thanjavur,
(Panchayat Department),
Office of the District Collector,
Thanjavur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the impugned proceedings issued by the 3rd respondent in Na.Ka.No.40/2020/Ka3 dated 12.10.2020 in so far as the petitioner (serial No.1) is concerned, and quash the same.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.K.P.Narayanakumar
Special Government Pleader

ORDER

Challenging the impugned transfer order passed by the 3rd respondent in Na.Ka.No.40/2020/Ka3 dated 12.10.2020, the present writ petition has been filed.

2.When the matter is taken up for hearing today through video conferencing, the learned counsel appearing for the petitioner would submit that the Government has passed a Government Order in G.O.Ms.No.249, Budget General I Department, dated 21.05.2020, wherein, it had been stated as follows:-



"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."

WEB COPY

3.By referring the aforesaid Government Order, the learned counsel would submit that subsequent to the aforesaid Government Order issued by the Government, the impugned transfer order, dated 12.10.2020 has been passed by the 3rd respondent, which is contrary and warrants interference of this Court.

4.The learned counsel would further submit that in the case on hand, the 3rd respondent is not a competent authority to pass the transfer order, dated 12.10.2020 and the 1st respondent alone is the competent authority to transfer the petitioner.

5.*Per contra*, the learned Special Government Pleader appearing for the respondents would submit that pending the writ petition, due to the health reasons, the petitioner has made a representation to the respondents requesting them to transfer the petitioner either to Kumbakonam or Thiruvidadaimarudur or Thirupunathal. He would further submit that based on the aforesaid representation, the petitioner's request will be considered in favour of him.

6.The learned counsel appearing for the petitioner has also agreed with the submission of the learned Special Government Pleader appearing for the respondents and therefore, he seeks permission of this Court to withdraw this writ petition.

7.Recording the submission made by the learned counsel on either side, the Writ Petition stands dismissed as withdrawn. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

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 District Collector,
Office of the District Collector,
Thanjavur.
2. The Project Director,
Thanjavur District Rural Development Agency,
Thanjavur District.
3. The Personal Assistant to
District Collector, Thanjavur,
(Panchayat Department),
Office of the District Collector,
Thanjavur.

+1cc to the SPL GP SR.No.26844.

W.P. (MD) No.14980 of 2020
21.12.2020

SJ(CO)
CS(07.01.2021) 3P 5C