



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD).No.16970 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 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandmaus calling for the records relating to the order passed by the respondent herein in Memo No.5088/Nir 2(2)/2020, dated 14.10.2020 and quash the same and consequently, direct the respondent herein to re-consider the petitioner's representation dated 12.03.2020 within a stipulated period as fixed by this Court.

For Petitioner : Ms. M.Padmavathy
For Respondent : Mr.B.Bhagavathy
Government Advocate

O R D E R

By consent, the writ petition itself is taken up for final disposal.

2. This writ petition has been filed to quash the impugned order passed by the respondent, dated 14.10.2020 and consequently, direct the respondent to re-consider the petitioner's representation dated 12.03.2020, within a stipulated time.

3. Initially the petitioner has given a representation on 12.03.2020 to the respondent for transfer. Since the petitioner's representation was not disposed of, he has approached this Court by filing W.P.(MD).No.9844 of 2020, wherein this Court has passed a detailed order, which reads as follows:

"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



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.

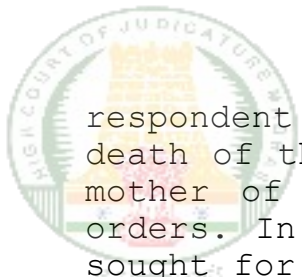
8. Having regard to the said submissions made by the learned counsel appearing for both sides and taking into account the aforesaid factual matrix, this Court is inclined to dispose of this writ petition with the following directions:

'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.'

4. Subsequent to the above order, the respondent has passed the impugned order, on 4.10.2020.

5. Mr.B.Bhagavathy, learned Government Advocate appearing for the respondent would submit that initially the petitioner has sought for transfer to Radhapuram, but no medical facilities are available at Radhapuram and if the petitioner makes a fresh representation before the respondent, the same will be considered.

6. This Court, by order dated 24.08.2020, has clearly stated <https://hcservices.ecourt.gov.in/hcservices/> and while disposing of the representation, dated 12.03.2020, the



respondent shall consider 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 pass suitable orders. In the representation, dated 12.03.2020, the petitioner has sought for transfer to any one of the stations viz., (i) Tuticorin, (ii) Madurai and (iii) Radhapuram. The said representation was disposed of by the respondent stating that Radhapuram will not have any proper medical facilities and it is only a Village Panchayat and there was a contradiction in asking the transfer by referring the age of the mother. But, the respondent has not considered the petitioner's representation for Tuticorin and Madurai, where all the medical facilities are available to treat the mother of the petitioner. Hence, there is a lapse on the part of the respondent in considering the order passed by this Court.

7. In such circumstances, this Court directs the respondent to reconsider the petitioner's representation 12.03.2020 and pass orders, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

8. Post this matter on 18.12.2020 for 'reporting compliance'.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

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

W.P(MD) .No.16970 of 2020
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