

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.5917 of 2021
and
W.M.P.No.6539 of 2021
(Heard through VC)

K.Velusami

.. Petitioner

-vs-

1.The Engineering Chief (WRD) and
Chief Engineer (General),
PWD, Chepauk,
Chennai - 600 005.

2.The Engineering Chief (Buildings) and
Chief Engineer (Buildings),
Chepauk, Chennai - 600 005.

3.The Administrative General & Official Trusty of T.N.,
High Court Campus,
Chennai - 600 104.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of transfer passed by the first respondent in Proc.No.S2(5)20610/ 2020/102 dated 14.05.2020 and quash the same and consequently direct the respondents 1 to 3 herein to retain the petitioner in the same post and same station till the completion of his tenure.

For Petitioner : Mr.K.Gajendiran

For Respondents : Mr.P.Karthikeyan

Additional Government Pleader

O R D E R

The petitioner has come forward with the present writ petition challenging the order of transfer passed by the first respondent in Proc.No.S2(5)20610/2020/102 dated 14.05.2020 and consequential direction to the respondents 1 to 3 herein to retain the petitioner in the same post and same station till the completion of his tenure.

2. Mr.P.Karthikeyan, learned Additional Government Pleader takes notice on behalf of the respondents.

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

4. The petitioner was employed as Junior Engineer in PWD Buildings Centre and Conservation Section-I, Chepauk, Chennai - 5 and now, he has been transferred and posted in the Administrative General & Official Trustee of T.N., High Court Campus, Chennai. According to him, the transfer from PWD Department to the High Court is not permissible. He further submitted that due to his ill health and that he is going to retire in the year 2021, he may be permitted to work in the same place.

5. As the petitioner was employed in various places, namely, Namakkal, Sriperumbudur and PWD buildings Centre and conservation Section-I, Chepauk, Chennai - 5, he is liable to be transferred from one place to another. Though the petitioner has been transferred from PWD department to High Court, it does not mean that he is going to work under the control of High Court on conversion of his parent Department. He is going to discharge his duty of a PWD staff inside the High Court Campus in the Administrative General & Official Trustee.

6. I find that there is no error in the administrative transfer made by the respondents. The contention that the petitioner is going to retire at the age of 58 appears to be illusory. The Government has extended the age of retirement to 59 in the year 2020 and to 60 in the year 2021 and that the petitioner is having more than two years of service. There is no violation of any provision and that the plea taken by the petitioner that employee's consent needs to be taken for transfer, cannot be accepted. If such contention is accepted, no employee could be transferred on administrative ground. Hence, I find no merit in the writ petition and the same is dismissed.

7. The petitioner is permitted to join the transferred place on or before end of this month. For the period of non-attending duty, the said period will be treated as "No Work No Pay", but will be counted for all other purposes of continuity of service and consequential benefits. If the petitioner fails to report for work, the period can be treated as 'dies-non' for which the petitioner is solely responsible. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS.VI)

/True Copy/

Sub Assistant Registrar

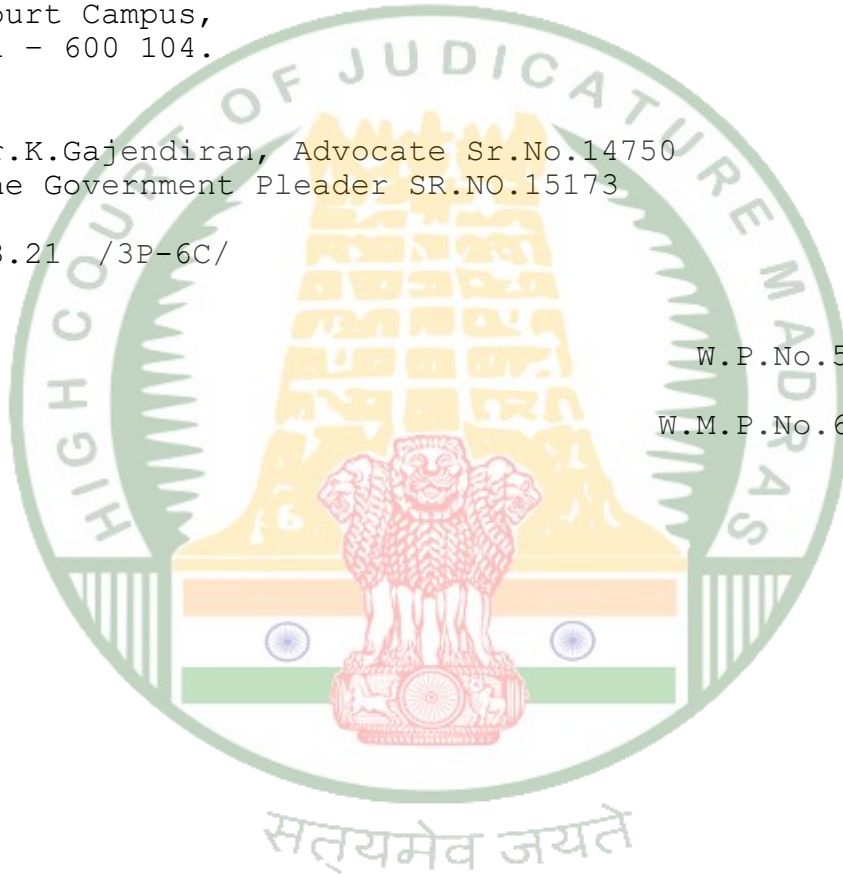
To

- 1.The Engineering Chief (WRD) and
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- 2.The Engineering Chief (Buildings) and
Chief Engineer (Buildings),
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- 3.The Administrative General & Official Trusty of T.N.,
High Court Campus,
Chennai - 600 104.

+lcc to Mr.K.Gajendiran, Advocate Sr.No.14750
+lcc to The Government Pleader SR.NO.15173

akm /18.03.21 /3P-6C/

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