



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.2476 of 2020

and

W.M.P. (MD) Nos.2124, 2125, 2126 & 9204 of 2020

WEB COPY

N.Sudesh

... Petitioner

-vs-

1.The Principal Secretary to the Government
Department for the Welfare of Differently able
St.George, Chennai.

2.The Director
State Commission for the Welfare of
the Differently Abled
No.5, Kamarajar Salai
Lady Wellington College Campus
Chennai-600 005.

3.The Joint Director
State Commission for the Welfare of
the Differently Abled
No.5, Kamarajar Salai
Lady Wellington College Campus
Chennai-600 005

4.The Head Master
Visual Impaired Girls Higher Secondary School
Puthur, Trichy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the entire records of the impugned proceedings of the second respondent in Seaa.Mu.Aaanai Yen:12616/Nir-2/2019, dated 08.01.2020 transferring the petitioner service from the fourth respondent School to District Different Able Welfare Office, Ariyalur District on deputation and the consequent proceedings of the fourth respondent in Seaa.Mu.Ka.Yen.09/2020, dated 03.02.2020 relieving the petitioner service from fourth respondent School and further direct the respondents to permit the petitioner to continue his service with fourth respondent.

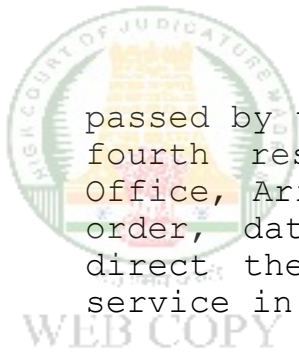
For Petitioner : Mr.P.Pethu Rajesh

For Respondents : Mr.A.K.Manikkam, Government Counsel

O R D E R

The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to quash the order, dated 08.01.2020,

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passed by the second respondent transferring the petitioner from the fourth respondent School to District Differently Abled Welfare Office, Ariyalur District on deputation and the consequent relieving order, dated 03.02.2020, issued by the fourth respondent and to direct the respondents to permit the petitioner to continue his service in the fourth respondent School.

2. When the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that subsequent to the filing of this writ petition, the impugned transfer order has been revoked on 04.09.2020 and hence, the relief sought for in this writ petition has become infructuous.

3. Further, the learned counsel for the petitioner would submit that this Court by order dated 02.07.2020 directed the respondents to release the arrears of salary of the petitioner, within a period of fifteen days. Since the said direction has not been complied with by the respondents, Cont.P.(MD) No.690 of 2020 has been filed by the petitioner before this Court and it is pending. Therefore, he prayed that the respondents may be directed to release the arrears of salary to the petitioner forthwith.

4. It is pertinent to note that the issue involved in this writ petition is with regard to transfer of the petitioner from one Institution to another Institution and that has also been revoked subsequently. When such being the position, the direction with regard to release of arrears of salary, which has not at all been sought for in the affidavit filed in support of the writ petition, cannot be granted and the petitioner has to independently seek such a remedy before the Authority concerned or by filing a contempt petition. Admittedly, the petitioner has filed Cont.P.(MD) No.698 of 2020 for the wilful disobedience of the orders and directions dated 02.07.2020 by the respondents and it is stated to be pending. Therefore, the petitioner is at liberty to workout his remedy with regard to release of arrears of salary in the aforesaid pending contempt petition.

5. With the above observation and liberty, this writ petition is closed. 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 Principal Secretary to the Government,
Department for the Welfare of Differently Abled,
St.George, Chennai.
- 2.The Director,
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the Differently Abled,
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- 4.The Head Master,
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Puthur, Trichy.

+1 CC to M/s.SPL.GP (SR-29843[F] dated 22/09/2021)

+1 CC to M/s.P.PETHU RAJESH, Advocate (SR-29664[F] dated 20/09/2021)

W.P. (MD) No.2476 of 2020

and

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20.09.2021

RK (29.09.2021) 3P 7C