



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.16780 of 2018

and W.M.P. (MD) .Nos.14839 & 14840 of 2018

WEB COPY

V.Murugeswaran

...Petitioner

Vs.

1.The Engineer-in-Chief (W.R.D.) and
Chief Engineer (General),
Water Resource Department,
Public Welfare Department (PWD),
Chepuak, Chennai - 600 005.

2.The Chief Engineer (WRD),
Water Resource Department,
Public Works Department,
Madurai Region,
PWD Campus,
Tallakulam, Madurai - 625 002.

3.The Superintending Engineer (WRD),
Water Resource Department,
Public Works Department,
Periyar Vaigai Basin Circle,
Near Meenakshi Amman Kovil,
Madurai - 625 001.

4.The Executive Engineer (WRD),
Water Resource Department,
Public Works Department (PWD),
18th Canal Special Extension Division,
Veerapandi, Theni Distirct.

5.S.Vanajavalli

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 1st respondent in this proceedings Order No.S.3(1)/20700/2018, dated 16.07.2018 and the consequential relieving order issued by the 4th respondent in his proceedings Se.Mu.Ka.No.Pa.a3/Ko 03/2018 dated 19.07.2018, quash the same.

For Petitioner : Mr.L.Shaji Chellan

For Respondents : Mr.M.Muniyasamy
Additional Government Pleader



ORDER

Heard Mr.L.Shaji Chellan, learned counsel for the petitioner and Mr.M.Muniyasamy, learned Additional Government Pleader, appearing for the respondents 1 to 4.

2.The petitioner is aggrieved against the impugned transfer order dated 16.07.2018. This Court had also granted an order of interim stay on 30.07.2018, pursuant to which, the petitioner is continuing to work at 18th Canal Special Extension Division, Veerapandi, Theni District.

3.The learned counsel for the petitioner as well as the learned Additional Government Pleader affirms that the petitioner is continuing to work in the same station. The impugned order of transfer was on Administrative grounds. However, after a lapse of more than 2 ½ years, it would not be appropriate to interfere and revive the impugned order of transfer, when the respondents have not chosen to file their counter or an application to vacate the interim orders.

4.It is needless to point out that in future, if the respondents require the petitioner to be transferred on administrative exigencies, it is open to the respondents to invoke their administrative powers to effect such transfers on administrative grounds.

5.In the light of the above observations, the writ petition stands allowed and the impugned order No.S.3(1)/20700/2018, dated 16.07.2018, passed by the first respondent and the consequential relieving order issued by the 4th respondent in his proceedings Se.Mu.Ka.No.Pa.a3/Ko 03/2018 dated 19.07.2018, are quashed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-Ii)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

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+1 CC to Mr.L.SHAJI CHELLAN, Advocate (SR-2933[F] dated
02/02/2021)

+1 CC to GP (SR-2856[F] dated 02/02/2021)

W.P. (MD) No.16780 of 2018

01.02.2021

(TP)

KV(11.02.2021) 3P 7C