



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.22017 of 2019

Satish Kumar

... Petitioner

Vs.

1.The General Manager,
Southern Railways,
Madurai Division,
Madurai.

2.The Divisional Personnel Officer,
Divisional Office, Southern Railways,
Madurai.

3.The Divisional Personal Officer,
Divisional Office Personnel Branch,
Southern Railways, Chennai Division,
Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent nos.1 & 2 to transfer the petitioner to his parent Division (i.e Chennai) based on the office order passed by the 3rd respondent in O.O.No.M/P1(M) C & W/DSL/247/14 dated 24.10.2014 by considering his representation dated 24.09.2019 within a time frame as fixed by this Court.

For Petitioner : Mr.K.S.Durai Pandian

For Respondents : Mr.S.Manohar,
Standing Counsel for State.

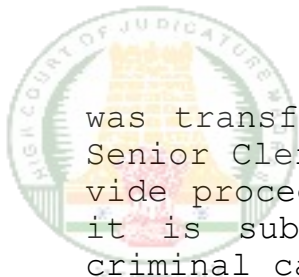
ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondent nos.1 & 2 to transfer the petitioner to his parent Division (i.e Chennai) based on the office order passed by the 3rd respondent in O.O.No.M/P1(M) C & W/DSL/247/14 dated 24.10.2014 by considering his representation dated 24.09.2019 within a time frame as fixed by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

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

4.According to the petitioner, he was appointed as Clerk on 09.11.1990 in Southern Railways at Chennai. He was transferred to PGT Division and later, on considering his Appeal for transfer, he



was transferred to Madurai Division on 01.08.2014 and appointed as Senior Clerk. Subsequently, he was promoted as Office Superintendent vide proceedings of the third respondent dated 24.10.2014. Further, it is submitted that an enquiry was held in connection with a criminal case, which according to the petitioner he has been falsely implicated and he has been giving utmost co-operation for the enquiry. Though, petitioner's promotion and transfer has been effected earlier in the year 2014, but the same has not been given effect to so far. In this regard, the petitioner sent several representations and reminders and finally on 24.09.2019 to the respondents 1 & 2, requesting them to transfer him to his parent division i.e., Chennai based on the proceedings of the third respondent dated 24.10.2014. However, the said representation is still pending and no orders were passed till date. Therefore, the present Writ petition has been filed before this Court.

5. Even though, the writ petitioner has sought for a larger relief, during the course of arguments, he restricted his prayer to the effect that it is suffice to direct the respondents to consider his representation dated 24.09.2019 and pass appropriate orders within the time frame as stipulated by this Court.

6. Even though, the learned Standing Counsel appearing for the respondents has objected the maintainability of the writ petition, however, in view of the limited relief now sought for by the petitioner that his representation will be considered by the respondent authority if it is otherwise in order and appropriate orders will be passed in accordance with law, this Court is inclined to entertain the writ petition.

7. Considering the submissions made by the learned counsel on either side and considering the limited scope of prayer as sought by the petitioner, this Court, without expressing any opinion on merits, directs the second respondent to consider the petitioner's representation dated 24.09.2019 if it is otherwise in order and pass orders in accordance with law and on merits, within a period of twelve (12) weeks from the date of receipt of a copy of this order and the decision taken shall be communicated to the petitioner.

8. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

dn

<https://hcservices.ecourts.gov.in/hcservices/>



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 General Manager,
Southern Railways,
Madurai Division,
Madurai.
- 2.The Divisional Personnel Officer,
Divisional Office, Southern Railways,
Madurai.
- 3.The Divisional Personal Officer,
Divisional Office Personnel Branch,
Southern Railways, Chennai Division,
Chennai.

+1 CC to M/s.S.MANOHAR, Advocate (SR-29916[F] dated 22/09/2021)

W.P (MD) No.22017 of 2019
21.09.2021

SJ(CO)
KB(29.09.2021) 3P 5C