



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.21932 of 2021

and W.M.P. (MD)No.18500 of 2021

WEB COPY

A.Muthupandi

... Petitioner

versus

The Joint Commissioner,
Commercial Taxes (State Tax),
Madurai Division,
Commercial Taxes Buildings,
Dr.Thangaraj Salai,
Madurai - 20.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of writ of certiorarified mandamus, calling for the records relating to the impugned order passed by the respondent herein in செ.மு.ந.க.எண்.10490/2021/அ1, , dated 29.11.2021, quash the same as illegal and consequently, direct the respondent to pass order to the petitioner in the same working place, within the time stipulated by this Court.

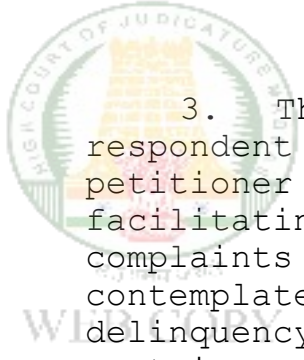
For Petitioner : Mr.V.Palanichamy

For Respondent : Mr.Veera Kathiravan,
Additional Advocate General
assisted by Mr.S.Shaji Bino,
Special Government Pleader

ORDER

This writ petition is filed as against the order of transfer dated 29.11.2021, passed by the respondent, transferring the petitioner from Theni to Sivagangai.

2. The learned counsel for the petitioner submits that the petitioner was originally appointed as Junior Assistant at the Office of the Deputy Commissioner (CT), Enforcement (North), Chennai, dated 29.12.2010. Thereafter, he was promoted as Assistant. Now, he is working as Assistant in the Commercial Tax Office at Theni. While so, the impugned order of transfer has been passed by the respondent, vide order dated 29.11.2021. He further submits that a criminal case has been referred in the impugned order of transfer. In fact, an enquiry has been contemplated, pursuant to the criminal case, which has been closed as mistake of fact. Therefore, the impugned order is passed with *mala fide* intention and without even providing opportunity of hearing to the petitioner.



3. The learned Additional Advocate General appearing for the respondent submits that there is a serious allegation against the petitioner that he is running a parallel office and also facilitating some members to get TIN numbers. As there are so many complaints received as against the petitioner, the Department contemplated the enquiry, by issuing necessary charge memo for the delinquency committed by the petitioner. During the enquiry, certain materials have been collected against the petitioner. Therefore, for the welfare of the Department, the petitioner has been transferred from Theni to Sivagangai.

4. In view of the stand taken by the learned Additional Advocate General that there is a serious allegation against the petitioner that he is running a parallel office and also facilitating some members to get TIN numbers and based on the complaints, the Department also contemplated the enquiry and pending the enquiry, they have decided to transfer the petitioner from Theni to Sivagangai on administrative ground for smooth enquiry, this Court is not inclined to interfere with the impugned order of transfer dated 29.11.2021 passed by the respondent. Therefore, the writ petition is dismissed. It is always open to the petitioner to join in the transferred place and establish his innocence before the Enquiry Officer and then, renew his application/petition, if he is so advised. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To
The Joint Commissioner,
Commercial Taxes (State Tax),
Madurai Division,
Commercial Taxes Buildings,
Dr.Thangaraj Salai,
Madurai - 20.

+2 CC to M/s.V.PALANICHAMY, Advocate (SR-38145[F] dated 10/12/2021)

+1 CC to M/s.SPL GP (SR-38359[F] dated 13/12/2021)

W.P (MD) No.21932 of 2021
10.12.2021