



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P (MD)No.19229 of 2018

and

W.M.P (MD)Nos.17069 and 17070 of 2018

WEB COPY

K.Saravanan

...Petitioner

Vs.

1.The Director and Commissioner of Sugars,
Anna Salai, Nandanam,
Chennai.

2.The Managing Director,
National CO-Operative Sugar Mills Limited,
15-B, Mettupatti,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records in order No. 1393/2018/SE dated 28.08.2018 issued by the 2nd respondent and the Order in Na.Ka.No.2470/Sa Tho/2016 dated 27.08.2018 issued by the 1st respondent and quash the same.

For Petitioner : Mr.R.Diwakaran

For Respondent : Mr.A.Muthukaruppan,
No.1 Additional Government Pleader

For Respondent : Mr.P.Chandrabose
No.2

O R D E R

Heard Mr.R.Diwakaran, learned counsel appearing for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the 1st respondent and Mr.P.Chandra Bose, learned Counsel appearing for the 2nd respondent.

2.The order of transfer dated 28.08.2018, issued to the petitioner is put under challenge in the present writ petition. Pending writ petition, the petitioner was permitted to continue in the same post as Cane Assistant pursuant to the interim order of stay granted by this Court.

3.The learned Counsel counsel appearing for the 2nd respondent, on instructions, affirms that the petitioner is still continuing in the same post. It is seen that the transfer order was passed way back on 28.08.2018 and the petitioner has been continuing in the



said post for more than 2 years. At this length of time, it would not be appropriate to interfere with the transfer order, since the Administrative exigencies, which necessitated the petitioner to be transferred long back may not subsist as on date.

4.Nevertheless, if the respondents are of the view that the petitioner requires to be transferred in future, on administrative grounds, it would always open to them to do so.

5.Accordingly, the impugned order of transfer in order No. 1393/2018/SE dated 28.08.2018 issued by the 2nd respondent and the Order in Na.Ka.No.2470/Sa Tho/2016 dated 27.08.2018 issued by the 1st respondent shall stand quashed and the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dsk

1.The Director and Commissioner of Sugars,
Anna Salai, Nandanam,
Chennai.

2.The Managing Director,
National CO-Operative Sugar Mills Limited,
15-B, Mettupatti,
Madurai District.

+1 CC to Mr.P.CHANDRABOSE, Advocate (SR-5263[F] dated 16/02/2021)

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VB (10.03.2021) 2P 4C