



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.363 of 2022
and WMP.No.397 of 2022

D.Vijayakumar

...Petitioner

vs.

1.The Director of Municipal Administration,
Chennai-600 028.

2.The Commissioner,
Chingleput Municipality,
Chinglepur.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records relating to the proceedings dated 28.12.2021 in Na.Ka.No.19568/2021/F3 of the first respondent and quash the same.

For Petitioner : Mrs.AL.Gandhimathi

For Respondents : Mr.M.Bindran,
Additional Government Pleader for R1
Mr.P.Srinivas for R2

O R D E R

The petitioner, challenging the impugned order of transfer passed by the first respondent dated 28.12.2021, has filed the present writ petition.

2. The petitioner joined service in the second respondent Municipality as Electrician on 22.06.2006 and working in the same station for more than 25 years and similarly placed persons like the petitioner were retained in the same department for more than 30 years. However, to his shock and surprise, the impugned order of transfer came to be passed on 28.12.2021, transferring the petitioner from Chingleput Municipality to Tambaram Municipality. It is the grievance of the petitioner



that he, being the President of Trade Union, has been transferred with ulterior motive and therefore, he has filed the present writ petition.

3. Mr.P.Srinivas, learned counsel for the second respondent Municipality would submit that as per Rule 31C of the Tamil Nadu Municipal Service Rules, the first respondent is the competent authority to pass the impugned order of transfer and the transfer order has been passed only on administrative reasons.

4. In the light of the submission made by the learned Standing Counsel for the second respondent / Municipality, the impugned order does not warrant interference. However, the petitioner is granted liberty to furnish a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and on such representation being filed, the respondents shall consider and pass orders on merits and in accordance with law within a period of four weeks thereafter.

5. The Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Jvm

1.The Director of Municipal Administration,
Chennai-600 028.

2.The Commissioner,
Chingleput Municipality,
Chinglepur.

+1 CC to The Government Pleader sr 22252
+1 CC to M/s.AL. Gandhimathi, Advocate sr 22044.

W.P.No.363 of 2022

PL(CO)
SP(12/04/2022)