

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.5209 of 2021
and
W.M.P.No.5780 of 2021

R.Thuthigai Venthan

... Petitioner

vs.

1.The Additional Secretary/
Commissioner of Revenue Administration
Commissionerate of Revenue Administration
and Disaster Management
Chepauk, Chennai 600 005.

2.The Collector
Cuddalore District
Cuddalore.

3.The Collector
Villupuram District
Villupuram.

4.P.Rani Bhavani
Senior Revenue Inspector
Divisional Excise Office
Villupuram, Villupuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, after calling for the concerned records from the 1st Respondent, quash the order of the 1st Respondent dated 12.02.2021 bearing No.Se.Mu.B.No.Pani.4(2)/3854/2020 as illegal, arbitrary and contrary to law and consequently direct the Respondent Nos.1 and 2 to retain the petitioner in the post of Senior Revenue Inspector in Cuddalore District.

For Petitioner : Mr.Balan Haridas

For R1 to R3 : Mr.T.Chezhiyan
Additional Government Pleader

For R4 : Mr.G.Pugazhenth

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Certiorarified Mandamus, calling for the concerned records from the 1st respondent, quash the order of the 1st respondent dated 12.02.2021 bearing No.Se.Mu.B.No.Pani.4(2)/3854/2020 as illegal, arbitrary and contrary to law and consequently, to direct the 1st and 2nd respondents to retain the petitioner in the post of Senior Revenue Inspector in Cuddalore District.

2. According to the petitioner, the petitioner was selected to the post of Revenue Assistant in the Revenue Department, Cuddalore District. Thereafter, he applied for mutual transfer by his representation dated 13.08.2020 enclosing the consent of the 4th respondent, who was working as Senior Revenue Inspector in Villupuram District. Based on the mutual transfer request, the 2nd respondent has accepted and passed the mutual transfer order. Thereafter, the petitioner has realised that in view of the mutual transfer to the Villupuram District, his right of seniority would be affected. Therefore, the petitioner has filed the instant writ petition before this Court for the aforesaid prayer.

3. At the time of admission, this Court by an order dated 04.03.2021 has granted interim stay of the impugned order.

4. The learned counsel appearing for the petitioner submitted that the petitioner has made a representation dated 16.02.2021 to the 1st and 2nd respondents requesting to withdraw the mutual transfer submitted by the petitioner. The said representation has not been considered. Therefore, he has challenged the impugned mutual transfer order. By virtue of interim stay granted by this Court, the petitioner is continued with the same station.

5. The learned counsel appearing for the 4th respondent submitted that the 4th respondent did not agree for cancellation of the impugned mutual transfer. He further submitted that another officer one Kanimozhi, Senior Revenue Inspector in Cuddalore District is willing to go to Villupuram District.

6. In the light of the above said submissions made by the parties, this Court will not go into the said request made by the parties, in particularly the said Kanimozhi is not a party in the present writ petition. Therefore, the petitioner is directed to make a fresh representation to the 2nd respondent, within a period of one week from the date of receipt of a copy of this order. If any such representation received, the 2nd respondent is directed to consider the same, after providing

opportunity to the 4th respondent as well as to one Kanimozhi and pass appropriate orders on merits and in accordance with law, as early as possible, within a period of eight weeks thereafter.

7. It is made clear that the interim stay already granted by this Court dated 04.03.2021, is in force till such time.

8. With the above directions and observations, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

dm

To

1.The Additional Secretary/
Commissioner of Revenue Administration
Commissionerate of Revenue Administration
and Disaster Management
Chepauk, Chennai 600 005.

2.The Collector
Cuddalore District
Cuddalore.

3.The Collector
Villupuram District
Villupuram.

+1cc to Mr.Balan Haridas, Advocate, S.R.No.41685
+1cc to the Government Pleader, S.R.No.42573

W.P.No.5209 of 2021

NRL(CO)
SB(18/07/2022)