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\IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

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THE HON'BLE MR JUSTICE D. KRISHNAKUMAR

W.P.No.10277 of 2021

V.Shanmugaraj

...Petitioner

Vs.

1.The Chief Secretary cum Chairman
Project Implementation Agency
Puducherry

2.The Project Director
Project Implementation Agency
Puducherry.

3.The Joint Project Director (General)
Project Implementation Agency
Puducherry

4.The Joint Project Director (Technical)
Project Implementation Agency
Puducherry

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to communicate the Transfer Order passed by the 1st respondent to the petitioner for enabling him to join duty in the transferred place and consequently direct the respondents to disburse the petitioner's salary from the month of December 2020 to till date.

For Petitioner : M/s. R.Hemalatha

For Respondents : Mr.Syed Mustafa
Special Government Pleader
Puducherry.

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the 1st respondent to communicate the Transfer Order passed by the 1st respondent to the petitioner for enabling him to join duty in the transferred place and consequently direct the respondents to disburse the petitioner's salary from the month of December 2020 to till date.



2. The case of the writ petitioner is that the petitioner was transferred to the respondents Agency on deputation basis for the period of two years from 01.01.2020. Since the petitioner has made a complaint as against the erring officials from the Junior Engineer to the Joint Project Director, the 3rd respondent has passed a transfer order to the petitioner on 17.12.2020. At that time, the petitioner was on casual leave on 17.12.2020 and 18.12.2020. It was orally instructed by the Executive Officer (Civil) that there is a transfer order to join when he resumed duty from casual leave. The petitioner without any hesitation requested the officials to communicate the valid transfer order and also requested to give written instructions to whom he has to handover his charges. Till date, the no transfer order has been issued to the petitioner and he is continuing his duties in the respondents' office. Till now, no relieving order has been issued by the respondent. Without serving any transfer order, the respondents 3 to 4 stopped the salary from the month of December 2020. Hence the instant writ petition has been filed by the writ petitioner to communicate the transfer order to the petitioner so as to enable him to join duty in the transferred place and also requested to disburse the salary from the month of December 2020.

3. The learned Special Government Pleader appearing for the respondent department has placed the records in respect of the petitioner's transfer before this Court, wherein it has been mentioned that the writ petitioner, Thiru.V.Shanmugaraj, Junior Engineer, Irrigation Division, PWD, Puducherry, was relieved from his duty on the afternoon of 31.12.2019. In para 16 of the letter, it has been mentioned as follows:

" It is stated that with the approval of the Project Director, PIA, Puducherry, the said official was repatriated and relieved from this agency w.e.f from 17.12.2020, with instructions to report before the Chief Engineer, PWD, Puducherry, vide Order No.1907/PIA/Estt./A1/2020, dated 16.12.2020 of JPD (G), PIA, Puducherry. The aforesaid official was served with the repatriation order through the JPD (Tech.)".

Further, it is seen from the records that on 16.12.2020, transfer order has been passed relieving the petitioner from the Project Implementation Agency, Puducherry with instructions to report before the Chief Engineer, P.W.D, Puducherry and the aforesaid order was sent on 16.12.2020 as seen from the copy of the order which was marked to the petitioner. Subsequently, the petitioner has made a representation on 28.12.2020 and stated that no transfer order has been received by the petitioner. The aforesaid copy of the representation has been received by the respondent department and the same is available in the files.



4. On going through the said records, there is no proof or evidence to show that the said copy of the relieving order has been served to the petitioner and also, no reply has been given by the respondent department on receipt of representation dated 28.12.2020. In such circumstances, this Court is inclined to direct the 3rd respondent, namely, the Joint Project Director (General), Project Implementation Agency, Puducherry, to issue the relieving order to the petitioner forthwith, so as to enable him to report before the Chief Engineer, PWD, Puducherry. Thereafter, the petitioner shall make a representation to the respondents 3 and 4 seeking salary for the period from December 2020 till the date of relieving order issued by the respondent department.

5. With the above observation, this writ petition stands disposed of.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Chief Secretary cum Chairman
Project Implementation Agency,
Puducherry.
- 2.The Project Director,
Project Implementation Agency,
Puducherry.
- 3.The Joint Project Director (General)
Project Implementation Agency,
Puducherry.
- 4.The Joint Project Director (Technical)
Project Implementation Agency,
Puducherry.
- 5.The Chief Engineer,
PWD, Puducherry.

+1cc to M/s.R.Hemalatha, Advocate SR. No. 10217
+1cc to Government Pleader (Puducherry) SR. No.10513

W.P.No.10277 of 2021

SVI (CO)

PR (10/03/2022)