



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.2.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.21611 of 2021

S.Anandhajothi
Assistant Engineer,
Coimbatore Housing Unit,
Tamilnadu Housing Board,
Tatabad, Coimbatore-600 012. ... Petitioner

Vs.

- 1 The Managing Director
Tamilnadu Housing Board, CMDA Complex,
E And C Market Road, Koyembedu,
Chennai- 600 107.
- 2 The Secretary And Personnel Officer,
Tamilnadu Housing Board, CMDA Complex,
E And C Market Road, Koyembedu,
Chennai- 600 107.
- 3 The Chief Engineer (R)
Tamilnadu Housing Board, CMDA Complex,
E And C Market Road, Koyembedu,
Chennai- 600 107.
- 4 The Superintending Engineer (Salem Circle),
Cowly Brown Road, R.S.puram,
Coimbatore.
- 5 The Executive Engineer,
Coimbatore Housing Unit,
Tamilnadu Housing Board,
Tatabad Coimbatore- 12.
- 6 The Executive Engineer
And ADO Trichy Housing Unit,
Kajamalai Colony, Trichy-20. ... Respondents

Prayer : Writ petition filed under Article 226 of the
Constitution of India, praying for the issuance of a Writ of



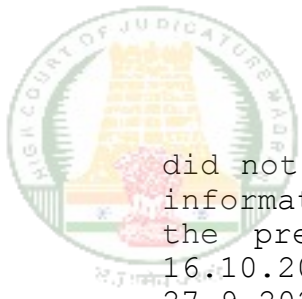
Mandamus, directing the 5th respondent to issue relieving order to the petitioner from Coimbatore Housing Unit so as to enable the petitioner to join at Trichy Housing Unit under the 6th Respondent in order to comply the order of transfer order Dt. 26/07/ 2021 in Ref Memo No.PT. 1/ 14674/ 2018- 1 passed by the 2nd respondent.

For Petitioners : Mr.S.N.Ravichandran
For Respondents : Mr.R.Bharath Kumar

O R D E R

The petitioner while working as Assistant Engineer, Coimbatore Housing Unit, the respondent by Board memo P.T.2/30440/14-2 dated 12.1.2017 transferred the petitioner from Coimbatore Housing Unit to Trichy Housing Unit. According to the petitioner, on administrative reasons, the 5th respondent, the Controlling authority by letter in Ref.No.CHU-1/0006/16 dated 12.8.2021 instructed the petitioner to hand over the charges to Mrs.Saradha, Asst. Engineer. The petitioner submitted request letter dated 27.8.2021 to the 5th respondent to relieve the petitioner from Coimbatore Housing Unit. Subsequently, Mrs.Saradha, Asst. Engineer taken over the petitioner's charges on 2.9.2021 as per the letter dated 12.8.2021 Nilgiris District and received connected M.Books, files and all registers. The petitioner intimated handing over/taken over report by letter dated 7.9.2021 to the 5th respondent. However, the petitioner was not relieved from the station to enable the petitioner to join duty in the transferred place viz., Trichy.

2. Counter affidavit has been filed by the 5th respondent wherein it is stated that the petitioner was on continuous medical leave from 19.5.2021 to 18.8.2021 for nearly a period of 3 months. She was instructed to hand over all the charges and the files viz., M.Books, vacant flat keys, etc. to Tmt.R.Saradha, Asst. Engineer, Coimbatore Housing Unit. The petitioner now claimed that she handed over all the charges and files to the concerned person on 2.9.2021. However, as per the report dated 9.9.2021 of the Assistant Engineer, Coimbatore Housing Unit, the petitioner has not handed over some of the files, vacant flat keys etc. The respondent has called for explanation from the petitioner for not handing over the files, etc. However, she attended the office on 27.9.2021 and informed the Divisional Accountant to receive her casual leave letter for the period from 27.9.2021 to 18.10.2021 and the same was refused to receive for want of signature from the superiors. On the same day itself, the petitioner dropped off the leave letter in the Letter Box and went on leave from 27.9.2021 to 2.10.2021 without prior notice to her superiors. The Assistant Engineer has submitted a report wherein it is stated that the petitioner



did not join duty from 2.10.2021 to 12.10.2021 without any prior information or notice to her immediate superiors. After filing the present writ petition, the petitioner sent a letter on 16.10.2021 through post informing about her medical leave from 27.9.2021 to 18.10.2021. According to the respondent, the petitioner has not handed over some files and the keys. The respondent is ready to relieve the petitioner from her duties immediately on proper handing over of the said files, vacant flat keys, etc. to the 5th respondent.

3. At this juncture, the learned counsel appearing for the petitioner would submit that all the files have been handed over to the Assistant Engineer. If any of the files not handed over, the respondent Board shall communicate the same to the petitioner. The petitioner will handover the files if available or she will submit explanation to the respondent Board. Therefore, the petitioner seeks appropriate orders to be passed to relieve the petitioner from Coimbatore Housing Unit.

4. According to the counsel appearing for the petitioner, the petitioner undertakes to return the files which are available with the petitioner to the respondent Board in addition to the files already returned to Mrs.Saradha, Assistant Engineer on 2.9.2021.

5. In view of the above, the petitioner is directed to return the files, keys, etc. available with her to the respondent Board. It is open to the respondent Board to call for explanation from the petitioner if any such files are not handed over by the petitioner. The petitioner has to submit explanation to the memo served by the respondent Board. After getting explanation from the petitioner, the respondent Board is directed to relieve the petitioner immediately. The said exercise shall be completed within a period of six weeks from the date of receipt of copy of the order. However, it is made clear that if the explanation submitted by the petitioner is not satisfied, it is for the respondent to proceed independently as against the petitioner for not submitting the files.

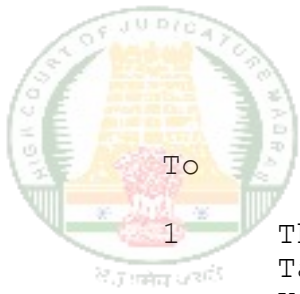
6. Accordingly, the writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS II)

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Sub Assistant Registrar

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To

- 1 The Managing Director
Tamilnadu Housing Board, CMDA Complex, E And C Market Road,
Koyembedu, Chennai- 600 107.
- 2 The Secretary And Personnel Officer,
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Tamilnadu Housing Board, Tatabad Coimbatore- 12.
- 6 The Executive Engineer
And ADO Trichy Housing Unit, Kajamalai Colony, Trichy-20.

+1 cc to Mr.R.Bharath Kumar, Advocate Sr.NO.10335

+1 cc to Mr.S.N.Ravichandran, Advocate Sr.NO. 10220

W.P.No.21611 of 2021

GPL (CO)

A.SK (21.02.2022)