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W.P.No. 31884 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.11.2022

Coram

The HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.No.31884 of 2022
and W.M.P.Nos.31327 & 31328 of 2022

V.Aringar Anna

.. Petitioner

Vs

The State by:

1.The Director,
Department of Information and Public Relation,
Secretariat, Chennai – 9.

2.The Public Relation Officer,
Peraringar Anna Memorial and Museum,
Anna Square, Chennai – 5.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue writ of certiorarified mandamus calling for the records of the 1st respondent impugned transfer order in Action No.15171/Nr.22/2022 dated 04.11.2022 and quash the same and direct the 1st respondent to consider the petitioner's representation dated 07.11.2022.

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For Petitioner : Mr.C.Chokkalingam
For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

The petitioner challenges the impugned transfer order dated 04.11.2022 under which the petitioner has been transferred from Chennai to Nagercoil.

2. The petitioner is working as a Caretaker. According to the petitioner, earlier, he was working in Nagercoil for seven years and only in the year 2021, he was transferred to Chennai. However, within a year, he has now been re-transferred back to Nagercoil. According to the petitioner, his daughter is studying at Chennai and therefore it will be difficult for him to once again go and work at Nagercoil. The petitioner also claims that he has unblemished track record and despite the same, he has been transferred to Nagercoil. According to him, the impugned transfer is punitive transfer and not for



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administrative reasons. After the issuance of impugned transfer order by the first respondent, the petitioner has given representation on 07.11.2022 requesting the respondents to retain him at Chennai. Since the representation has not been considered till date, he has filed this writ petition.

3. Heard Mr.C.Chokkalingam, learned counsel for the petitioner and Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4. Learned Additional Government Pleader appearing for the respondents would submit that only due to administrative reasons, the petitioner has been transferred to Nagercoil. He would submit that the petitioner's presence at Nagercoil is required urgently and that is the reason for the issuance of the impugned transfer order. However, the same is disputed by the learned counsel for the petitioner and he would submit that the petitioner's transfer is not for administrative reasons but it is a punitive transfer.



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5. On instructions, learned Additional Government Pleader appearing for the respondents would further submit that the respondents are willing to consider the petitioner's representation requesting to retain him at Chennai on merits and in accordance with law within a time frame to be fixed by this Court. He would also submit, on instructions, that in case if there are vacancies in other locations at Chennai or at nearby places, the same will be considered by the respondents while considering the petitioner's representation. Learned counsel for the petitioner is also satisfied with the said submission.

6. No prejudice would be caused to the respondents if the petitioner's representation referred to supra is considered on merits and in accordance with law by the respondents within the time frame to be fixed by this Court.

7. For the foregoing reasons, this writ petition is disposed of by directing the first respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated



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07.11.2022 requesting for retaining him at Chennai, within a period of two weeks from the date of receipt of a copy of this order. In case there are vacancies in the locations at Chennai or in the nearby areas in and around Chennai, the first respondent, while passing final orders, shall post the petitioner in any of the said places instead of Nagercoil. No costs. Consequently, connected miscellaneous petitions are closed.

29.11.2022

Index:Yes/No
mmi

Note: Issue copy of the order on 30.11.2022.

To

- 1.The Director,
Department of the Information and Public Relation,
Secretariat, Chennai – 9.
- 2.The Public Relation Officer,
Peraringar Anna Memorial and Museum,
Anna Square, Chennai – 5.

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ABDUL QUDDHOSE,J.

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