



WP(MD)No.14288 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE G.CHANDRASEKHARAN**

W.P.(MD)No.14288 of 2022
and
W.M.P.(MD)Nos.10209 & 10210 of 2022

M.Sivakumar

... Petitioner

/vs./

1.The Joint Commissioner (ST),
O/o. Joint Commissioner of Commercial Taxes,
Commercial Taxes Building,
Brough Road, Erode – 638 001.

2.The Deputy Commissioner (ST),
Commercial Taxes Department,
Commercial Taxes Building,
North Prathatchanam Road,
Karur – 639 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records pertaining to the impugned order of transfer passed by the 2nd Respondent in Na.Ka.2716/2022/A4-1, dated. 28.06.2022, and quash the same insofar as it pertains to the petitioner is concerned.



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For Petitioner : Mr.G.Kannan

For Respondents : Mr.G.Suriyananth

Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order of transfer passed by the 2nd Respondent in Na.Ka.2716/2022/A4-1, dated. 28.06.2022.

2.The learned counsel appearing for the petitioner submitted that the petitioner is a transgender and he has one elder sister aged about 75 years, taking treatment for brain ailment in Karur. The petitioner is presently working in Karur as Assistant in Commercial Taxes Department. The petitioner has now been transferred from Karur to Kangeyam. He further submitted that G.O.No.178, Finance (Budget General – I) Department, dated 20.06.2022 holds that the general transfers for the year 2021-2022 shall be kept on hold to minimize expenditure on transfer travel expenses and that position is continued even during the year 2022-2023. Despite that, petitioner has been transferred. Assailing the transfer order, this writ petition has been filed.



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3.In response, the learned Government Advocate appearing for the respondents submitted that the Joint Commissioner has issued proceedings in Na.Ka.No.5349/2021/A2 on 16.06.2022 giving certain instructions with regard to general transfers. He further submitted that the petitioner is transferred on the ground of administrative exigencies and that he has completed three years of service in Karur. Moreover, the person, who was transferred in the place of the petitioner in Karur, had already joined the post. Therefore, there is no merit and he prayed dismissal of this petition.

4.I have considered the rival submissions made by both the parties and have perused the records.

5.During the course of submissions, the learned counsel appearing for the petitioner has restricted his prayer that the petitioner's representation may be considered and the petitioner may be accommodated in any of the vacancies, that is available in Karur District.



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6. Considering the limited relief sought for by the petitioner, this Court directs the respondents to consider the petitioner's representation dated 23.06.2022 and pass appropriate orders, preferably to accommodate the petitioner in Karur District, within a period of two (2) weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

06.07.2022

Index : Yes / No
Internet : Yes / No
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G.CHANDRASEKHARAN, J.

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Order made in
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