



W.P(MD)No.23026 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23026 of 2022

A.Arul

... Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat,
Chennai-9.

2. The Director,
Municipal Administration,
75, Santhom High Road, M.R.C.Nagar,
Raja Annamalaipuram,
Chennai-28.

3.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records connected with the Impugned Order of transfer passed by the 2nd respondent in Na.Ka.No.20371/2021/F2 dated 22.09.2022 and the consequential Relieving Order passed by the 3rd respondent in Na.Ka.No.C1/5868/22 dated 23.09.2022 and quash the same and consequently direct the respondents to retain the petitioner in any one of the existing 4



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vacancies of Assistant Engineers / Junior Engineers or to transfer the petitioner in the nearby vacant place at Tenkasi Municipality or in any one of the nearby Municipalities in terms of guide lines of the P & AR Department Letter No. 23847/S/98-1, dated 05.08.1998.

For Petitioner : Mr.S.Govindan
For R1 & R2 : Mr.R.Sureshkumar
Additional Government Pleader
For R3 : M/s.M.Anitha

ORDER

Heard the learned counsel on either side.

2. The writ petitioner challenges the impugned order of transfer dated 22.09.2022 passed by the second respondent whereby he has been transferred from Tirunelveli Corporation to Keelakarai Municipality.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition.

4. The petitioner is a physically challenged person. He was afflicted with polio at the age of two and his mobility has been affected. The petitioner joined the department as Overseer in Sankarankoil Municipality in the year 1997. Then, he was transferred to Kumbakonam in the year 2004 and posted as Junior Engineer. The petitioner passed B.Tech degree and was re-designated as Assistant Engineer. He is working in Tirunelveli Municipality since 2010. The



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petitioner's counsel would refer to the several Government orders and norms regarding transfer of physically challenged employee. He would submit that there is absolutely no justification for transferring the petitioner.

5. It is not in dispute that the writ petitioner is working in Tirunelveli Municipal Corporation for almost twelve years. The Government Letter No. 22847/s/98-1, dated 05.08.1998 states that if physically handicapped persons are holding executive posts, they cannot be retained in the same post / station beyond three years. However, they have to be shown reasonable accommodation as per Clause (iii) set out in the very same letter. The guidelines relied on by the learned counsel appearing for the petitioner do not confer any enforceable right on the writ petitioner. The writ petitioner has been in the same station and holding the same post for more than twelve years.

6. In the very nature of things, I do not find any ground to interfere. It is of-course open to the writ petitioner to submit a representation to the second respondent setting out his difficulties and domestic circumstances. It is open to the second respondent to consider the same and pass appropriate orders.

G.R.SWAMINATHAN, J.



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rmi

7. The Writ Petition is dismissed. No costs.

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Index : Yes / No
Internet : Yes/ No
rmi

To

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