



W.P.(MD)No.9384 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 18.10.2022**

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

**W.P.(MD)No.9384 of 2017**

**and**

**W.M.P(MD)No.7140 of 2017**

S.Sundaram

... Petitioner

vs.

1. The Deputy Director,  
Fire and Rescue Services Department,  
Southern Region,  
Madurai.

2. The Assistant District Officer/  
District Officer in charge,  
Fire and Rescue Services Department,  
Tirunelveli District,  
Tirunelveli.

3. B.Saravana Babu

4. The Station Officer,  
Fire and Rescue Services Department,  
Palayamkottai,  
Tirunelveli District – 627 002.

... Respondents



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**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of *Certiorari*, calling for the records of the second and fourth respondents in connection with the impugned order of transfer and reliving order issued by the fourth respondent on the directions of the second respondent dated 26.04.2017 in Pa/Aa No.40/17 transferring the petitioner from Palayamkottai to Surandai and quash the same.

|                   |                                                        |
|-------------------|--------------------------------------------------------|
| For Petitioner    | : Mr.M.Ramamoorthi                                     |
| For R1, R-2 & R-4 | : M/s.D.Farjana Ghoushia<br>Special Government Pleader |
| For R-3           | : Mr.J.Anand Kumar                                     |

### **ORDER**

This Writ Petition is filed challenging the transfer and relieving order issued by the 4<sup>th</sup> respondent, dated 26.04.2017, whereby the petitioner was transferred from Palayamkottai to Surandai. Against the said impugned order, this Petitioner has filed this Writ Petition.

2. Already, this Court has granted interim order, dated 24.05.2017 and therefore, this petitioner is serving in Palayamkottai station itself.



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3. When the matter was taken up for hearing on 10.10.2022, since the petitioner did not appear before this Court the matter was posted today, i.e., on 18.10.2022 under the caption 'for dismissal'.

4. Today (i.e. on 18.10.2022), on hearing, the learned counsel appearing for the petitioner submitted that the counsel has to come from Chennai and sought for an adjournment. However, the learned Special Government Pleader appearing for the respondent Nos.1, 2 & 4 and the learned counsel appearing for the 3<sup>rd</sup> respondent objected to the adjournment. Moreover, when the case was posted under the caption for 'dismissal', adjournment cannot be granted.

5. It is seen from the records that this matter pertains to transfer. Based on the interim order, the petitioner is working in the same station from 2017 onwards and serving in the said place for more than 5 years.



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6. The learned Special Government Pleader appearing for the respondent Nos.1, 2 & 4 submitted that the petitioner was granted promotion and subsequently, he was posted to Tenkasi on 26.02.2021.

7. In view of the aforesaid submission made by the learned Special Government pleader appearing for the respondent Nos.1, 2 & 4, nothing survives for adjudicating in the matter.

8. Accordingly, this Writ Petition is closed. No Costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No  
Internet : Yes  
ksa

**18.10.2022**



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To

1. The Deputy Director,  
Fire and Rescue Services Department,  
Southern Region, Madeira.
2. The Assistant District Officer/  
District Officer in charge,  
Fire and Rescue Services Department,  
Tirunelveli District, Tirunelveli.
3. The Station Officer,  
Fire and Rescue Services Department,  
Palayamkottai, Tirunelveli District – 627 002.



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**S.SRIMATHY, J**

ksa

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**18.10.2022**