



W.P.(MD).No.28601 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.28601 of 2022

and

W.M.P.(MD).Nos.22620 and 22622 of 2022

A.S.P.Ramesh

... Petitioner

vs.

- 1.The Additional Chief Secretary,
Municipal Administration Water Supply Department,
Secretariat,
Fort St. George,
Chennai -9.
- 2.The Director,
O/o. Director of Municipal Administration,
Chennai -28.
- 3.The Joint Director,
O/o. Director of Municipal Administration,
Chennai -28.
- 4.The Regional Director,
O/o. Municipal Administration,
Tirunelveli.
- 5.The Regional Director,
O/o. Municipal Administration,
Vellore.

1/7



W.P.(MD).No.28601 of 2022

WEB COPY

6. The Commissioner,
Nelliyalam Municipality,
Nilagiri District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned transfer order dated 08.06.2022 vide Na.Ka.No.20371/2021/F2, suspension order dated 01.08.2022 vide ROC. No.15669/2022/F2 along with the charge memo dated 21.09.2022 vide Na.Ka.No.15669/2022/F2 issued by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent to grant subsistence allowance, leave salary and to regularize the period of placing under waiting list.

For Petitioner : Mr.D.Saravanan

For Respondents : Mr.G.V.Vairam Santhosh

Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned transfer order passed by the second respondent dated 08.06.2022 and the suspension order dated 01.08.2022 along with the charge memo dated 21.09.2022 and to quash the same and consequently direct the 2nd



W.P.(MD).No.28601 of 2022

respondent to grant subsistence allowance, leave salary and to regularise the period of placing under waiting list.

2. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he was appointed as Assistant Engineer in the respondent Department in the year 1999 and he has rendered 23 years of service. He was in Rank No.1 position in the seniority list dated 23.12.2019. In order to prevent the promotion, the second respondent vide proceedings dated 18.08.2021, transferred one Mr.R.Christopher Raja as Assistant Engineer of the office of Regional Director Municipal Administration, Tirunelveli, when the petitioner was working as Assistant Engineer in the very same place. Thereafter, the petitioner was relieved from the post of Assistant Engineer vide proceedings of the second respondent dated 26.08.2021, without any order. Subsequently, he was transferred to Cunnor vide order dated 27.09.2021. The petitioner has applied for medical leave and made



W.P.(MD).No.28601 of 2022

several representations highlighting the medical issues. However, without considering the leave application submitted by the petitioner, again the petitioner was transferred to Cunnor from Nelliyalam on 30.11.2021. Thereafter, on 08.06.2022, the petitioner was transferred to Peranampattu. Due to ill health, the petitioner was not joined the transfer place, for which the second respondent placed the petitioner under suspension on 01.08.2022 and thereafter issued a charge memo on 21.09.2022. Challenging the above said illegal orders, the present writ petition has been filed.

4. The learned counsel appearing for the petitioner would submit that without going into the merits of the case, this Court may issue a direction to the disciplinary authority to conclude the disciplinary proceedings within a reasonable time as fixed by this Court and further this Court also issue a direction to the respondents to pay subsistence allowance, since the petitioner has not received the salary for nine months.



W.P.(MD).No.28601 of 2022

WEB COPY

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6. Considering the limited request made by the learned counsel for the petitioner, this Court, without interfering with the orders impugned in the writ petition, directs the disciplinary authority to conclude the disciplinary proceedings within a period of six months from the date of receipt of a copy of this order and also directs the respondents to pay the subsistence allowance to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

21.12.2022

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5/7



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W.P.(MD).No.28601 of 2022

M.DHANDAPANI,J.

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W.P.(MD)No.28601 of 2022

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