



W.P(MD)No.20149 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.20149 of 2021

and

W.M.P(MD)Nos.16856 and 16857 of 2021

Tmt.S.Kayalvizhi

... Petitioner

vs.

- 1.The Registrar General,
High Court of Judicature at Madras,
Chennai – 600 104.
- 2.The Principal District Judge,
Sivagangai District,
Sivagangai – 630 561.
- 3.The District Munsif cum Judicial Magistrate,
Ilayangudi, Sivagangai District – 630 702.
- 4.V.Ammalu
- 5.K.Anandhi
- 6.T.Muthuperumal
- 7.N.Karthika
- 8.S.Priya
- 9.M.Kamala
- 10.K.Manfort Reegan
- 11.N.Prabhu
- 12.N.Rameshmuthu
- 13.M.Bharathidasan
- 14.A.Saravanan

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent in A.No.104/2021/A1, dated 26.08.2021 by which the respondents 4 to 14 have been appointed by transfer to the post of Office Assistant / Copyist Attender from the post of Masalchi, Sweeper and Watchman and quash the same insofar as it excludes the name of the petitioner is concerned and to direct the second respondent to appoint the petitioner as Office Assistant / Copyist Attender by transfer from the post of Masalchi.

For Petitioner : Mr.G.Kannan, for
Mr.S.Ramsundar Vijayaraj
For R-1 : Mr.D.Venkatesh

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

This writ petition has been filed challenging the order passed by the second respondent in A.No.104/2021/A1, dated 26.08.2021.

2. It is seen that the petitioner has been denied transfer solely on the ground that a punishment of censure has been imposed upon her during the relevant period. As rightly contended by the learned counsel for the petitioner, a perusal of the order imposing punishment shows that the petitioner was let off with a warning and no punishment of censure was actually imposed. Therefore, action of the learned Principal District Judge, Sivagangai District, in denying transfer to the petitioner is clearly injustice. The learned Principal District Judge was probably mislead by the Note put up by the Personal Assistant, who presumed that punishment was imposed by the order of the learned District Munsif, Ilayankudi on 18.08.2021.



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3. It is next contended by the learned counsel for the first respondent that transfer of person from the post of Masalchi to the post of Office Assistant is not based on seniority but it is based on merit and ability. Even the Note put up and approved by the the learned Principal District Judge on 26.08.2021 shows that the transfer of the petitioner was withheld for a period of one year because of the assumption that a punishment has been imposed upon her. We are therefore, convinced that the denial of transfer to the petitioner is incorrect.

4. In view of the same, the writ petition will stand allowed. It is now brought to our notice that the petitioner has been transferred as Office Assistant subject to the result of the writ petition. Now that we have allowed the writ petition, the transfer effected on 12.04.2023 will date back to the original date of transfer of the other employees ie., on 26.08.2021. No Costs. Consequently, connected miscellaneous petitions are closed.

(R.SUBRAMANIAN, J.) & (L.VICTORIA GOWRI, J.)
08.06.2023

Index : Yes / No
Neutral Citation : Yes / No
pm

To:

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R.SUBRAMANIAN, J.
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ORDER MADE IN
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