



W.P.No.19078 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.19078 of 2024

and W.M.P.Nos.20938 and 20939 of 2024

D.Velmurugan

...Petitioner

-Vs-

1. The Chief Engineer (WRO),
Public Works Department,
Chennai Division,
Chepauk,
Chennai 600 005.
2. The Superintending Engineer (WRO),
Public Works Department,
Ponnaiyar Basin Division,
Thiruvannamalai,
3. The Executive Engineer (WRO),
Public Works Department,
Thiruvannamalai.
4. The Assistant Executive Engineer (WRO),
Public Works Department,
Central Ponnaiyar Basin Sub Division,
Cheyyar.
5. The Assistant Executive Engineer,
Public Works Department,
Nandhiyar Basin Sub Division,
Thiruthani.



W.P.No.19078 of 2024

6. M.Venkatesan

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, after calling for the records pertaining to the proceedings of the first respondent dated 15.06.2024 in S4(2)/20470/2024, quash the same as illegal improper, unreasonable, arbitrary and against the rule of law and natural justice and thereby direct the first respondents consider the petitioner transfer application which is forwarded by the second respondent in his letter dated 515/Atchi-2/Ko-12/2024 dated 18.08.2024.

For Petitioner : Mr.R.Surya Prakash
For R1 to R5 : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent dated 15.06.2024, thereby transferred the 6th respondent to Tiruttani.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 5 and perused the materials available on record.

3. The petitioner had joined as NMR Mazdoor in the respondents 1 to 5 department. After completion of ten years of his service, he was regularized and appointed as Assistant in the Irrigation Department. Thereafter, the petitioner



W.P.No.19078 of 2024

was transferred to Nandhiaru Basin Sub-Division and thereafter, transferred to Kosasthalai River Basin Sub Division. While being so, the petitioner got promotion and transferred to Central Ponnaiyar Basin Sub-Division and working as Technical Assistant from 13.06.2022. The petitioner's native is Thiruvallur District and as such, the petitioner submitted a representation seeking transfer within the district of Thiruvallur. However, without considering the representation submitted by the petitioner, the first respondent transferred the 6th respondent to the place in which the petitioner asked for transfer.

4. The learned counsel for the petitioner would submit that the petitioner submitted several representations seeking transfer from work place to native place and the same was not considered. Whereas, the request of the 6th respondent was made later to the request made by the petitioner and the same was considered and he was transferred to Tiruttani District. He further submitted that the 6th respondent was promoted and transferred from the office of the Assistant Executive Engineer, Kosasthalai River Basin Sub-Division to the Assistant Executive Engineer, Special Scheme Sub-Division No.1 at Vellore. In fact, he had not joined in the said post and subsequently, the first



W.P.No.19078 of 2024

respondent modified the said order and promoted and transferred him within
Tiruttani District.

5. The petitioner did not raise any malafide grounds with the respondents, while passing promotion-cum-transfer order of the 6th respondent. The only ground raised by the petitioner is that the representation submitted by the petitioner is earlier to the representation submitted by the 6th respondent. Without considering the petitioner's representation, the representation submitted by the 6th respondent was considered. The petitioner is now working as Technical Assistant in Thiruvannamalai District.

6. In view of the above, this Court finds no infirmity or illegality in the order passed by the first respondent and the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

18.07.2024

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
mn



W.P.No.19078 of 2024

WEB COPY

To

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W.P.No.19078 of 2024

G.K.ILANTHIRAIYAN. J,

mn

W.P.No.19078 of 2024

18.07.2024