



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.28532 of 2024
and W.M.P.No.31098 of 2024

S.Lakshmi

... Petitioner

Vs.

1.Regional Deputy Commissioner,
North Regional Office,
Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai – 600 021.

2.The Zonal Officer,
5th Zonal Office,
Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai – 600 021.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records in the impugned proceedings in VA.VA.AA.NA.KA.ENN R -1/4141 of 2024 dated 20.08.2024 issued by the 1st respondent by which the petitioner was transferred from the 5th Zone to the 4th zone quash the same.



For Petitioner : Mr.S.Kumaraswamy

For Respondents : Mr.S.Gopinathan
Standing Counsel

ORDER

This writ petition was filed challenging the impugned proceedings of the 1st respondent dated 20.08.2024, whereby, the petitioner was sought to be transferred from the 5th Zone to the 4th Zone.

2.When the writ petition came up for admission on 26.09.2024, this Court on going through the proceedings, *prima facie* found that the transfer is punitive in nature. Hence, this Court granted an order of interim stay.

3.When the matter was taken up for hearing today, the learned counsel for the petitioner submitted that pursuant to the interim orders passed by this Court, the petitioner was permitted to resume duty from 01.10.2024. The learned counsel further submitted that the petitioner was not permitted to work from 25.08.2024 to 30.09.2024. Hence, the learned counsel sought for issuing appropriate directions to the respondent.



4. The 2nd respondent has filed a counter affidavit, the relevant portions are extracted hereunder:

11. The respondent submits that the petitioner is not entitled for reliefs prayed in the writ petition. The petitioner has failed to establish the illegality and arbitrariness of the respondent because there is no impugned order is passed against the petitioner. The petitioner has filed this petition in a premature under the filmy and imaginary grounds.

12. The respondent submits that the petitioner's entire case and averments is concerned with an only fact that the transfer order has been issued in a punitive nature, but there is no order has been prepared against the petitioner till date. Whereas it is just and necessary that before issuing any impugned order against the petitioner, this present writ petition should not be entertained. This petition is not at all maintainable either in law or fact.

5. The learned Standing Counsel appearing on behalf of the respondent Corporation submitted that the order that has been challenged in the present writ petition was only an internal communication between the authorities and the same was not issued to the petitioner. The learned counsel further submitted that there



are several complaints against the petitioner and therefore, the Corporation is intending to take action against the petitioner who is claimed to be a contract employee.

6. Even though, a stand has been taken in the counter and a submission has been made by the learned Standing Counsel for the Corporation that the impugned communication dated 20.08.2024 is only an internal communication, the original has been handed over to the petitioner and the petitioner has infact filed the original communication dated 20.08.2024. Therefore, it is not known as to how the same is being treated as an internal communication after having handed it over to the petitioner. What is apparent from the proceedings dated 20.08.2024 is that steps were taken to transfer the petitioner from one zone to another.

7. The petitioner has now been permitted to resume duty from 01.10.2024. If at all, the respondent Corporation is intending to initiate any action against the petitioner based on complaints, it can be done in accordance with law. For the present, the transfer order pales into insignificance, since the respondents have taken a stand that no such order was issued to the petitioner and the petitioner has



also been permitted to resume duty from 01.10.2024.

WEB COPY

8.The petitioner has not been permitted to work from 25.08.2024 to 30.09.2024 and hence, there shall be a direction to the 2nd respondent to regularize this period and to extend the attendant benefits, within a period of four weeks from the date of receipt of copy of this order.

9.It is made clear that the present order passed in the writ petition will not stand in the way of the respondent Corporation from initiating appropriate proceedings against the petitioner, if so warranted, based on the complaints received, in accordance with law.

10.This writ petition is disposed of in the above terms. No Costs.
Consequently, connected miscellaneous petition is closed.

22.10.2024

Internet : Yes / No
Index : Yes / No
Speaking Order / Non Speaking Order
ssr



WEB COPY





WEB COPY



N. ANAND VENKATESH, J.

SSI

To

1.Regional Deputy Commissioner,
North Regional Office,
Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai – 600 021.

2.The Zonal Officer,
5th Zonal Office,
Greater Chennai Corporation,
No.61, Basin Bridge Road,
Chennai – 600 021.

W.P.No.28532 of 2024
and W.M.P.No.31098 of 2024

22.10.2024