



W.P.(MD).No.2405 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.2405 of 2024

and

W.M.P.(MD)Nos.2412 and 2413 of 2024

K.Thavasi

...Petitioner

Vs

1.The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
Chennai.

2.The Chief Engineer,
Tamil Nadu Water Supply and Drainage Board,
Madurai Zone,
Madurai.

3.The Superintending Engineer,
Tamil Nadu Water Supply and Drainage Board,
Tuticorin-Virudhunagar Circle, Kovilpatti,
Tuticorin District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned note order in Lr.No.F. 3023/New Vehicle for SE's/AE/BM/2024 dated 20.01.2024 on the file of the first respondent and consequently impugned relieve order issued in Proc.No. 14070/F Relieving order/ Driver/EA/2024 dated 24.01.2024 on



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the file of the third respondent and quash the same and consequently direct the respondents to reinstate the petitioner in Madurai Zone.

For Petitioner : Mr.P.Ranjith Kumar

For Respondents : Mr.B.Vijaykarthikeyan

ORDER

Heard Mr.P.Ranjith Kumar, learned counsel for the petitioner and Mr.B.Vijaykarthikeyan, learned counsel for the respondents.

2. The petitioner who was working as a Driver in the respondent TWAD board has filed this Writ Petition challenging the transfer order passed by the first respondent dated 20.01.2024 and the relieving order of the third respondent dated 24.01.2024 and with a consequential direction to the respondents to reinstate the petitioner in Madurai Zone.

3. Mr.P.Ranjith Kumar, learned counsel for the petitioner submitted that the petitioner has been transferred from Kovilpatti to Dharmapuri during January 2024. Subsequently, he was also relieved from Kovilpatti. But the petitioner has challenged the transfer order and relieving order stating that he has been frequently transferred from place



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to place even though he has not committed any misconduct. It is further submitted that originally the petitioner has been transferred from Madurai to Kovilpatti on 31.05.2023. But within a short span of six months, the petitioner has been again transferred from Kovilpatti to Dharmapuri. According to the learned counsel for the petitioner, it is an unfair transfer. Hence, the petitioner should be allowed to continue his service in Kovilpatti itself.

4. Mr.B.Vijaykarthikeyan, learned counsel for the respondents submitted that the TWAD board has purchased new vehicles and the experienced drivers are required to operate those vehicles in the new places. When the administrative contingencies arises, the employee cannot claim to be retained in one particular place as a matter of right. It appears that the petitioner has not joined in the new station and he was remaining absence till date.

5. Mr.B.Vijaykarthikeyan, learned counsel for the respondents further submitted that in view of the unauthorized absence of the petitioner, disciplinary proceedings have also been initiated against him. Instead of taking the risk of being absent to work, the petitioner could



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have joined in the new place and made a representation for transfer to the place of his choice by submitting the extraneous reasons for consideration.

6. Even now the petitioner is at liberty to give a fresh representation to the respondents and the same shall be considered on merits. But this order does not have any repercussion on the disciplinary action if any taken against the petitioner for his willful absence in not obeying the transfer order.

7. In view of the above, this Writ Petition is **disposed of** with a liberty to the petitioner to give a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of the representation, the respondents shall consider the same on merits and pass orders in accordance with law within a period of four weeks therefrom. No costs. Consequently, connected miscellaneous petitions are closed.

11.07.2024

NCC:yes/no
Index:yes/no



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Internet:yes/no

Nsr

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R.N.MANJULA, J.

Nsr

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