



W.P.(MD)No.7513 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.7513 of 2024

and

W.M.P.(MD)Nos.8694 and 6895 of 2024

Purushothaman

... Petitioner

Vs.

- 1.The Managing Director,
The Management of Tamil Nadu
Civil Supplies Corporation,
Old No.42, New No.12,
Thambu Samy Road,
Kilpauk, Chennai-600 10.
- 2.The General Manager (Administration),
Old.No.42, New No.12,
Thambu Samy Road,
Kilpauk, Chennai-600 010.
- 3.The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Pudukkottai.

4.Radhakrishnan

5.S.Moorthy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records of the second respondent in Proc.No.AE5/752/223(1) dated 09.11.2023 and quash the same as illegal and arbitrary and in consequence thereof direct the respondents to take appropriate steps not to transfer the petitioner from Pudukkottai to Tenkasi.



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W.P.(MD)No.7513 of 2023



For Petitioner : Mr.P.Ganapathi Subramanian
For R1 & R2 : Mr.K.Balasubramanian
For R3 : Ms.Badurus Zamen
Standing Counsel

ORDER

The petitioner, who suffered with an order of transfer from Pudukottai to Tenkasi, has filed this writ petition alleging that the transfer order has been given with malice in view of his activities in the Labour Union.

2.Heard Mr.P.Ganapathi Subramanian, learned counsel for the petitioner, Mr.K.Balasubramanian, learned counsel for the first and second respondents and Ms.Badurus Zamen, learned Standing Counsel for the third respondents.

3.Perusal of the impugned transfer order would show that the transfer is made only on administrative ground. The petitioner challenged the said order citing his health reasons. Even though the transfer has been made on 09.11.2023, the petitioner, till today, has not chosen to join in the transferred place. He has chosen to remain out of his service. Unless the petitioner accepts the transfer order and joins in the place, where he was transferred, he cannot have a legitimate right to place any further request for re-transferring him to his original place. If the petitioner chooses to join in the transferred place, then he will be at liberty to give a fresh request to place him in his original place.



W.P.(MD)No.7513 of 2024

4. In view of the above, the petitioner is at liberty to file a fresh representation seeking re-transfer to his original place after joining in the transferred place. If any such request is made by the petitioner, the same shall be considered on its own merits and necessary orders shall be passed as expeditiously as possible.

5. With the above direction, this writ petition is disposed of. No cost. Consequently, connected miscellaneous petitions are closed.

31.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

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W.P.(MD)No.7513 of 2024

R.N.MANJULA, J.

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W.P.(MD)No.7513 of 2024

31.07.2024