



W.P.(MD)No.13424 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.13424 of 2024 &
W.M.P.(MD)Nos.11836 & 11837 of 2024

V.Kodaimalai Kumaran

... Petitioner

vs.

1.The Engineer-in-Chief &
Chief Engineer (General),
Water Resource Department,
Chepauk, Chennai - 600 005.

2.The Chief Engineer,
Water Resource Department,
Madurai Region,
Thallakulam,
Madurai.

3.The Superintending Engineer,
Water Resource Department,
Lower Vaigai Basin Circle,
Sivagangai.

4.The Executive Engineer,
Water Resource Department,
Saruganiyar Basin Division,
Sivagangai.

5.M.Ramanathan,
Superintendent,



W.P.(MD)No.13424 of 2024

WEB COPY

Periyar Main Canal Division,
Water Resource Department,
Melur, Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order vide Seyalmurai Aanai No.S3(1)/20529/2024-2 dated 15.06.2024 passed by the 1st respondent and the consequential order passed by the 2nd respondent vide Seyalmurai Aanai No.A1/724/2024 (4430) dated 19.06.2024 and order passed by the 4th respondent vide Seyalmurai Aanai No.E2/736/2024 dated 19.06.2024, quash the same and consequently direct the 1st respondent to permit the petitioner to work in the office of the 4th respondent continuously .

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.M.Lingadurai,
Special Government Pleader for R1 to R4

ORDER

Heard Mr.D.Shanmugaraja Sethupathi, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1 to 4.



W.P.(MD)No.13424 of 2024

WEB COPY

2. The petitioner has filed this petition seeking to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order vide Seyalmurai Aanai No.S3(1)/20529/2024-2 dated 15.06.2024 passed by the 1st respondent, consequential order passed by the 2nd respondent vide Seyalmurai Aanai No.A1/724/2024 (4430) dated 19.06.2024 and order passed by the 4th respondent vide Seyalmurai Aanai No.E2/736/2024 dated 19.06.2024, quash all the three orders and consequently direct the 1st respondent to permit him to work in the office of the 4th respondent continuously .

3. The petitioner has already filed a writ petition in W.P. (MD)No.2531 of 2024 challenging the order of transfer through which he has been transferred from Sivagangai to Melur. The submission made in the above writ petition was that the petitioner has been disturbed on purpose and just to accommodate the fifth respondent of the above writ petition. After hearing both sides, the above writ petition was disposed with the following observations.



"8. When the order of transfer has been passed against the fifth respondent on 10.11.2023 and he was also relieved from Melur on 30.11.2023, he ought to have joined at Karaikudi itself, considering the fact that the distance between Melur and Karaikudi is only 45 kms. But the above observation does not entitle the petitioner to claim that he has got a perpetual right over Sivagangai and that he should not be transferred at any cost from Sivagangai. However, it is learnt that there are other vacancies in Sivagangai. If the said fact is true, the first respondent shall consider and pass appropriate orders either by accommodating the fifth respondent in Sivagangai or to re-transfer him either to Karaikudi or to Melur. Since it is seen from the order of the first respondent dated 31.01.2024 that the fifth respondent was accommodated in the petitioner's place, the petitioner shall be allowed to continue at Sivagangai and if at all the administrative authority feels that the petitioner should be transferred, that shall be effected in the course of regular transfer of the following year."

4. Mr.D.Shanmugaraja Sethupathi, learned counsel appearing for the petitioner submitted that in the name of general transfer, once again, the petitioner has been transferred and in his place the fifth



W.P.(MD)No.13424 of 2024

respondent has been re-transferred.

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5. Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1 to 4 submitted that this is a general transfer and even in the orders passed in earlier writ petition it has been stated that if the petitioner should be transferred, that shall be effected in the course of general transfer and orders can be passed appropriately.

6. The learned counsel appearing for the petitioner submitted that the order now passed cannot be a general transfer because the general transfer orders could be passed before 31st May of every year.

7. However, the learned Special Government Pleader submitted that in view of the election code of conduct, the above transfer has been kept in abeyance and after the election results were declared, general transfer has been effected and only in general transfer, the impugned order has been passed.



W.P.(MD)No.13424 of 2024

WEB COPY

8. It is noticed from the impugned orders that the petitioner has not been transferred to any place away from Sivagangai and the new seat of the petitioner is situated in the same building itself.

9. The grievance of the petitioner is that once again, the fifth respondent has been brought to the same place and now, the petitioner is made to serve under the fifth respondent who is much junior to him.

10. The petitioner's grievance that he has been transferred from Sivagangai to some other place despite there are vacancies in Sivagangai has been considered now and the petitioner has been accommodated in the Sivagangai District itself. If the petitioner still feels that the transfer order is not a general transfer and the earlier orders of this Court have been violated, it is up to him to file a contempt petition, if he is so advised. As regards the other submissions that the petitioner was under compulsive circumstances to serve under the fifth respondent, I feel it is out of scope of the petition and hence, I am not adverting into those aspects.



W.P.(MD)No.13424 of 2024

WEB COPY

11. In view of the above observations, the writ petition is **disposed of** and the petitioner is at liberty to file a contempt petition, if he is so advised. No costs. Consequently, connected Miscellaneous Petitions are closed.

25.06.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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To

- 1.The Engineer-in-Chief &
Chief Engineer (General),
Water Resource Department,
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- 2.The Chief Engineer,
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W.P.(MD)No.13424 of 2024

R.N.MANJULA, J.

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W.P.(MD)No.13424 of 2024

25.06.2024