



WP(MD) No.14187 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.14187 of 2024

and

W.M.P.(MD) Nos.12446 & 12449 of 2024

Y.Albert Raj

... Petitioner

Vs.

1.The Director,
Fire Service & Rescue Department,
Egmore, Chennai – 600 008.

2.The Deputy Director,
Fire Service & Rescue Department,
Tirunelveli District.

3.The District Office,
Fire Service & Rescue Department,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records of the impugned order in Moo.Mu.No.10383/A3/2024 dated 25.06.2024 on the file of the 1st respondent and quash the same.



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For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The petitioner has filed this Writ Petition challenging the impugned order of the first respondent dated 25.06.2024 in Moo.Mu.No. 10383/A3/2024 by ventilating his grievance that the transfer is punitive in nature, despite the charges alleged against the petitioner have already been stayed by the order of this Court.

2. Heard Mr.G.Prabhu Rajadurai, learned counsel for the petitioner and Mr.N.Ramesh Arumugam, learned counsel appearing for the respondents.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel appearing for the petitioner submitted that the transfer was made in the middle of the academic year,



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which would cause serious prejudice to the livelihood of the petitioner and also to the educational career of his children and hence, he sought for setting aside the impugned order.

5. The learned Government Advocate appearing for the respondents submitted that the transfer order cannot be considered as punitive in nature and even when the charges are pending, the petitioner is transferred on administrative reasons only. Further, the petitioner is working in the same station from the year 2017 and hence, the petitioner cannot claim any more retention in the same place.

6. The learned counsel appearing for the petitioner submitted that the petitioner's transfer could have been considered as general transfer and this order also falls under general transfer.

7. The learned Government Advocate appearing for the respondents further submitted that in the event of general transfer,



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the transfer orders would be issued as chain transfers. But this single transfer order was issued citing administrative reasons and hence, the reasons for general transfer cannot be cited in the petitioner's case.

8. Having considered the rival submissions on either side, it is seen that the petitioner is said to have been functioning as a Driver and he has got school going children. The transfer order issued in the middle of the academic year causes him a lot of trouble. Even in the writ appeal filed by the respondents challenging the order of the writ Court wherein the charge memo issued against the petitioner was quashed, it is observed that the order has been stayed only for issuance of fresh charge memo. In such circumstances, the representation of the petitioner can be considered by the respondents positively and the petitioner can be accommodated in the same place or anywhere in and around the same district.



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9. In view of the aforesaid observations, the petitioner shall be accommodated in the same place or anywhere in and around the same district. However, if at all the respondents consider that transferring the petitioner from the present place is inevitable, the respondents shall pass orders accommodating the petitioner in the same place or anywhere in and around the same district within a period of two weeks from the date of receipt of a copy of this order. Until then, the petitioner shall not be disturbed in the place where he is working.

10. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

01.07.2024

Index : Yes / No
Internet : Yes / No
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R.N.MANJULA, J.

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To

- 1.The Director,
Fire Service & Rescue Department,
Egmore, Chennai – 600 008.
- 2.The Deputy Director,
Fire Service & Rescue Department,
Tirunelveli District.
- 3.The District Office,
Fire Service & Rescue Department,
Tirunelveli District.

Order made in
W.P.(MD)No.14187 of 2024

01.07.2024