



W.P.(MD)No.17990 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17990 of 2024 &
W.M.P.(MD)Nos.15413 & 15414 of 2024

D.P.Aspi Moris

... Petitioner

vs.

1.The Commissioner of Commercial Taxes,
Chepauk, Chennai - 600 005.

2.The Joint Commissioner (State Tax)
Tirunelveli Division,
CT Buildings, AR Line Road,
Palayamkottai, Tirunelveli.

3.The Deputy Commercial Tax Officer,
Office of the Deputy Commissioner (CT)
Kanyakumari, Tirunelveli Division,
Kanyakumari District.

4.A.Sahayarajan
Deputy Commercial Tax Officer
Office of the Deputy Commissioner,
Virudhunagar, Virudhunagar District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to impugned proceedings issued by the first respondent in Proc.No.P1/02-17/3/ 2024-II dated 19.07.2024 and subsequent proceedings issued by the second respondent in Proc.No.A1/5500/2024 dated 22.07.2024, quash the same in so far the petitioner and fourth respondent respectively.

For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.R.Sureshkumar
Additional Government Pleader

ORDER

Heard Mr.E.V.N.Siva, learned counsel appearing for the petitioner and Mr.R.Sureshkumar, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has filed this petition seeking to quash the impugned proceedings of the first respondent in Proc.No.P1/02-17/3/ 2024-II dated 19.07.2024 and subsequent proceedings of the second respondent in Proc.No.A1/5500/2024 dated 22.07.2024 in so far as the petitioner and fourth respondent are concerned.



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3. The petitioner has challenged the impugned order dated 19.07.2024 through which he has been transferred from Kanyakumari to Tiruppur and the fourth respondent has been accommodated in the petitioner's place at Kanyakumari.

4. Mr.E.V.N.Siva, learned counsel appearing for the petitioner submitted that the impugned order dated 19.07.2024 has been passed just to accommodate the fourth respondent even though the petitioner has not completed three years of service in Kanyakumari District.

5. Mr.R.Sureshkumar, learned Additional Government Pleader appearing for the respondents submitted that the petitioner has been posted as Deputy Commercial Tax Officer by way of promotion and subsequently due to administrative reasons, he has been transferred to Tiruppur and the fourth respondent has been posted at Kanyakumari District.



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6. The learned counsel appearing for the petitioner attracted the attention of this Court to the impugned order dated 22.07.2024, wherein, group transfer orders have been passed on representations.

7. But, I do not find any relevance for that order to be compared with the order dated 19.07.2024, through which the petitioner had suffered transfer. The fact remains that the petitioner was disturbed in the middle of the academic year and even the administrative reasons does not have any allegations on the performance or the conduct of the petitioner. In such circumstances, I feel that the petitioner can join by obeying the transfer order and place a request for accommodating him in any of the place of his preference for any reasons stated by him.

8. At this juncture, the learned counsel appearing for the petitioner submitted that the petitioner has got health reasons and that should be considered sympathetically.



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9. It is up to the respondents to consider the health ground of the petitioner and pass orders.

10. In view of the above observations, the writ petition is disposed of and the petitioner can obey the order dated 19.07.2024 and join duty. The petitioner is at liberty to place a request for transfer by stating the grounds now raised in this petition. On receipt of such request, the respondents shall consider the same and pass orders as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petitions are closed.

31.07.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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R.N.MANJULA, J.

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