



W.P(MD)No.25366 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.08.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.25366 of 2022

and

W.M.P(MD)No.19450 of 2022

T.Kannan

... Petitioner

Vs.

1.The Chief Engineer/Personnel(FAC),
Administrative Branch,
M.P.K.RR Maligai,
No.144, Anna Salai,
Chennai.

2.The Superintending Engineer,
Madurai – EDC Metro,
K.Pudur, Madurai.

3.The Superintending Engineer,
Sivagangai – EDC,
Sivagangai District.

4.Tmt.M.Latha,
Administrative Supervisor,
Sivagangai – EDC,
Sivagangai District.

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records relating to the impugned order passed by the 1st respondent in Memo No.063382/G.33/G.332/2022-5 dated 01.11.2022, r/w Proceeding in Memo No.063382/G.33/G.332/2022-4



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dated 01.11.2022, passed by the 1st respondent in so far as transfer of the 4th respondent in the place of the petitioner at the office of the 2nd respondent and quash the same.

For Petitioner : Mr.T.Antony Arul Raj

For Respondents : Mr.B.Ramanathan
Standing Counsel for R1 to R3
Mr.S.Sundara Pandian for R4

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ORDER

The instant writ petition has been filed by an Administrative Supervisor working in the office of the Superintending Engineer, Madurai, challenging his order of transfer to Sivagangai on the ground that the said order has been passed only in order to accommodate the fourth respondent at Madurai.

2.A perusal of the records reveal that the fourth respondent who was working at Sivagangai was transferred to Madurai, by way of an order dated 13.10.2022 in the place of one Gowthaman and the said Gowthaman was transferred to Sivagangai. However, both these transfer orders were cancelled by way of order dated 01.11.2022, probably at the instance of this said Gowthaman.



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3.On 18.11.2022, the fourth respondent was transferred to Madurai in the place of the writ petitioner and the writ petitioner was transferred to Sivagangai under the impugned order.

4.According to the learned Counsel appearing for the writ petitioner, the first attempt made by the fourth respondent to get herself accommodated at Madurai was unsuccessful and therefore, the petitioner was targeted and he was transferred to Sivagangai.

5.The learned Standing Counsel appearing for the respondent has brought to the notice of the Court that the transfer order issued to the fourth respondent to Madurai has been cancelled by way of an order dated 18.11.2022 and the order of transfer passed as against the writ petitioner under the impugned order has also been cancelled subject to the outcome of this writ petition.

6.The narration of above said facts would clearly reveal that the writ petitioner has been disturbed at Madurai only to accommodate the fourth respondent who was not successful in creating a vacancy by transferring the said Gowthaman.



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7.In view of the above said facts, the order of transfer has been tainted with malafides in order to accommodate the fourth respondent. This Court is of the considered opinion that the order has been set aside.

8.Accordingly, this writ petition stands allowed. No costs.

29.08.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No

RJR



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R.VIJAYAKUMAR, J.

RJR

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and
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