



W.P. No. 21196 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

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THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 21196 of 2024

and

W.M.P. Nos. 25665 and 23142 of 2024

M.Jawahar

... Petitioner

-vs-

1. The Additional Chief Secretary to Government
Co-operation, Food and Consumer Protection(H1) Department
Fort St. George, Chennai-600009.
2. The Registrar (FAC)
State Consumer Disputes Redressal Commission
Chennai-600003.
3. The President
District Consumer Disputes Redressal Commission
Chengalpet.

4. J.Raveendran

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records relating to the order in G.O.(Rt) No.261 dated 16.07.2024 passed by the first respondent insofar as the petitioner is concerned and quash the same.

For Petitioner : Mr. M.Gnanasekar

For Respondents : Mr.P.Kumaresan, AAG
Assisted by Mr.T.Chezhian (RR1 & 3)
Mr.T.Chezhian (R2)
Mr.G.Sankaran, Senior Counsel
Assisted by Mr.G.Maniprabhu (R4)



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ORDER

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This writ petition has been filed to call for the records relating to the order in G.O.(Rt) No.261 dated 16.07.2024 passed by the first respondent insofar as the petitioner is concerned and quash the same.

2. Heard Mr.M.Gunasekar, learned counsel for the petitioner and Mr.P.Kumaresan, learned Additional Advocate General assisted by Mr.T.Chezhian, learned Additional Government Pleader for the first and third respondents and Mr.T.Chezhian, learned Additional Government Pleader for the second respondent and Mr.G.Sankaran, learned Senior Counsel assisted by Mr.G.Maniprabhu, learned counsel for the fourth respondent and perused the materials placed on record, apart from the pleadings of the parties.

3. The learned counsel for the petitioner submitted that the petitioner has not submitted any request for transfer from the present place of posting at Chengalpet and there was no administrative exigencies, but the petitioner was transferred from Chengalpet to Tiruvannamalai. It is further submitted that the fourth respondent was a practicing advocate from the Chengalpet Bar and it might be only at his request to go back to his native place, this transfer has been



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made and that cannot be called as an administrative transfer. He further submitted that the order of transfer is not *bonafide*. Even the fourth respondent has not given any request for transfer. It cannot be accepted that there is no vacancy in Chengalpet to accommodate the fourth respondent. It is further submitted that the administrative contingencies would not arise when posting a person, who was in the habit of applying for transfer frequently.

4. The learned counsel for the respondents submitted that the order has been passed well within the powers of the first and second respondents and only in accordance with the rules issued in this regard subsequent to the directions of the Hon'ble Supreme Court made in the case of ***State of Uttar Pradesh -vs- All Uttar Pradesh Consumer Protection Bar Association*** reported in ***(2017) 1 Supreme Court Cases 444***. So, according to the second respondent, there was some administrative contingencies to transfer the petitioner to the Tiruvannamalai from Chengalpet and the fourth respondent from Tiruvannamalai to Chengalpet. The petitioner has made a specific allegation that the fourth respondent was a practicing advocate in Chengalpet and only in order to accommodate him conveniently, he was disturbed from Chengalpet and was posted to Tiruvannamalai. Despite he was posted at Tiruvannamalai, in



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view of the stay order granted by the Court, the petitioner continuous to be discharging his duties in his original place in Chengalpet. It is learnt that the fourth respondent has been relieved from Tiruvannamalai. However, he was not allowed to join in Tiruvannamalai in view of the order of stay.

5. The learned Senior Counsel for the fourth respondent submitted that the fourth respondent has filed a petition to vacate stay and the same is pending.

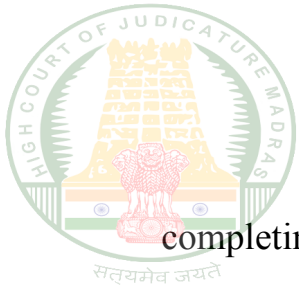
6. The administrative reasons as submitted by the first and second respondents was not disclosed. Whatever may be the administrative reasons, it only now shows that the transfer order has caused more confusion than convenience to the administration of justice by the State Consumer Redressal Forum in Tiruvannamalai. When the order of stay has been granted by this Court, the first respondent could have recalled the order of transfer after getting appropriate advice from the second respondent in order to ensure that the functions of the District Consumer Forum in both the districts go seamlessly. The first and second respondents did not deny in any specific terms that the fourth respondent has got no vested interest in Chengalpet, in view of his nativity attached to Chengalpet District.



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WEB COPY 7. The learned counsel for the fourth respondent submitted that he requested to accommodate him in Chengalpet in view of the ill health of his mother. Even there may be a request from the fourth respondent to accommodate him in Chengalpet and that cannot go to the disadvantage of the petitioner who is already executing his functions in Chengalpet and there was no vacancy to accommodate him in Chengalpet. Now, it is learnt that the administrative contingencies is only in view of the request for transfer made by the fourth respondent and not in view of any adverse allegation against the petitioner. When there was no vacancy in Chengalpet, the fourth respondent ought to have awaited until any vacancy arises in Chengalpet. Even the second respondent could have thought it fit not to disturb the incumbent merely for the request made by the fourth respondent. As the order of transfer has caused confusion than convenience, I feel in all fairness it is liable to be set aside.

8. In view of the same, the above writ petition is allowed and the order in G.O.(Rt) No.261 dated 16.07.2024 passed by the first respondent is set aside and the fourth respondent is at liberty to make his request for transfer and accommodate him in Chengalpet in case any future vacancy arises before



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completing his tenure. Consequently, the connected Miscellaneous Petitions are

WEB closed. No costs.

24.04.2025

Internet: Yes/No

Speaking /Non-speaking order

Neutral Case Citation : Yes/No

Maya

To

1. The Additional Chief Secretary to Government
Co-operation, Food and Consumer Protection(H1) Department
Fort St. George, Chennai-600009.
2. The Registrar (FAC)
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R.N.MANJULA, J.

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