

(2008) 02 MAD CK 0222

In the Madras High Court

Case No : Writ Petition No. 13491 of 2002 and W.P.M.P. No. 18154 of 2002

The Chief Electrical Inspector to Government (Incharge) APPELLANT

Vs

T. Murugesan, M.S. Jayagopal and The Registrar, Tamil Nadu RESPONDENT
Administrative Tribunal

Date of Decision : 06-02-2008

Acts Referred:

Citation : (2008) 02 MAD CK 0222

Hon'ble Judges : P.K. Misra, J;K. Chandru, J

Bench : Division Bench

Advocate : V. Manoharan, GA, for the Appellant; V. Ravikumar, for Respondent 1, for the Respondent

Final Decision : Allowed

Judgement

K. Chandru, J.—Heard the arguments of Mr. V. Manoharan, learned Government Advocate representing appearing for the petitioner, Mr. V. Ravikumar, learned Counsel appearing for the first respondent and have perused the records.

2. Aggrieved by the order of the Tamil Nadu Administrative Tribunal dated 04.10.2001 in O.A. No. 5643 of 2001, the Chief Electrical Inspector to the Government has filed the present writ petition. The first respondent who was the Electrical Inspector challenged the order of the writ petitioner dated 23.8.2001 transferring him from Salem to Nagapattinam. Initially, the first respondent came from Coimbatore to Salem and had completed three years at Salem and he made a request transfer to Coimbatore. It was stated that the first respondent was 55 years old and, therefore, he wanted to be posted in any one of the three districts, viz., Coimbatore, Dharmapuri and Erode and his daughter was studying in Coimbatore Medical College. The first respondent also was to retire on 31.12.2004. The request made by the first respondent was registered in the Request Transfer Register. But instead of considering his request, the second respondent was transferred from Nagapattinam to Salem and the first respondent was transferred to Nagapattinam in the place of the second

respondent. The first respondent also joined at Nagapattinam and the second respondent at Salem. But inspite of that, the first respondent moved the Tribunal and got an interim stay on 31.8.2001 and by virtue of the interim order, he rejoined duty at Salem.

3. Before the Tribunal, the first respondent made a statement that he is willing to continue in Salem till 30.4.2002 provided he will be given a posting thereafter in any one of the three districts mentioned above. The learned Counsel appearing for the second respondent made a statement that his client was willing to join in Salem on 01.5.2002. Under these circumstances, the tribunal passed the order dated 04.10.2001 stating that the request of the respondents 1 and 2 can be accommodated and the O.A. can be disposed of accordingly. Aggrieved at the same, the present writ petition has been filed.

4. The order passed by the Tribunal is totally repugnant to any rule of law and the service rules governing the field. The Tribunal, in a cavalier fashion, has decided the matter on the basis of some mutual arrangement between the respondents 1 and 2 and did not even consider whether the order of transfer impugned before the Tribunal was in accordance with the rules or not and simply recorded the statement of the two counsels for the private respondents and disposed of the matter. This procedure adopted by the Tribunal is highly objectionable and is not expected of any Tribunal which is empowered with judicial function. Therefore, we have no hesitation to allow the writ petition and set aside the order passed by the Tribunal impugned in the writ petition.

5. But it is seen from the records that the petitioner got superannuated on 31.10.2004. Therefore, the writ petition would have become infructuous in the normal course. But, however, this order is passed so that in future, the Tribunal should not adopt any such procedure which has been adopted in the present case.

6. In view of the above, the writ petition is allowed and the order of the Tribunal will stand set aside. However, there will be no order as to costs. Connected Miscellaneous Petition is closed.