

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33692/2015

&

MP.No.1/2015

S.Punniammal

...Petitioner

Versus

1. The Commissioner [Education]
Education Department,
Chennai Corporation,
Rippon Buildings, Chennai 600 003.
2. The Deputy Commissioner [Education]
Education Department,
Chennai Corporation, Rippon Buildings
Rippon Buildings, Chennai 600 003.
3. The Education Officer
Education Department,
Chennai Corporation, Rippon Buildings
Chennai 600 003.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of certiorari to call for the records of the respondents herein in proceedings No.Ka.Thu.Na.Ka.E1/6940/2015 dated 03.08.2015 and EDC No.E1/06940/2015 dated 01.09.2015 and quash the same.

For Petitioner : Mr.G.Purushothaman

For R1 to R3 : Mr.G.Anantha Rangan

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner would state that she was appointed as Post Graduate Assistant in the Education Department of Corporation of Chennai on 11.02.1991 and her services were regularised after successfully completing the probation. The petitioner would further state that she was continuously working as Post Graduate Assistant in various Corporation Schools and claims to have unblemished record of service in her entire career. It is stated by her that when she was working in Chennai Girls Higher Secondary School in Nungambakkam, Chennai-34, she was promoted as Headmistress with effect from 24.12.2009 and was transferred to Girls Higher Secondary School at Velacherry and was working in that capacity in the said school for more than 3 years. The petitioner would also claim that she was instrumental for raising the standard of the said school to 2nd position in overall 32 Corporation Schools with high percentage of pass, both in 10th standard and 12th standard. However, vide order dated 14.06.2013, the petitioner was transferred to Chennai Boys Higher Secondary School, Saidapet, Chennai, wherein the petitioner has also meritoriously served. To the shock and surprise of the petitioner, vide order of the 2nd respondent dated 15.05.2015, she was transferred to Chennai Girls Higher Secondary School, Washermenpet, in the place of Mrs.A.Banumathi, who is about to be superannuated by the end of the academic year 2015. It is the specific stand of the petitioner that copy of the said order of transfer has not been served on her so far. It is also in violation of the guidelines for transfer in respect of Government, Municipality and Corporation Schools in G.O.[1D] No.137, School Education Department dated 09.06.2014. The petitioner challenged the said order of transfer by filing WP.No.13682/2015 and this Court, vide order dated 30.04.2015, has granted an interim order of injunction in favour of the petitioner. The grievance now expressed by the petitioner is that she being a widow, have to take care of two school going children, who are studying B.E., and +2 respectively and in utter violation of the said guidelines given in the Government Order, she has been transferred to a far-off place, which is on the other side of the City of Chennai. The petitioner was also issued with a charge memo dated 10.06.2015 under Rule 17[a] of the Tamil Nadu Civil Services [Discipline and Appeal] Rules, alleging that she has not submitted the joining report and taking over charges in Saidapet Boys Higher Secondary School. The petitioner has informed the authority concerned about the interim orders granted by this Court. The petitioner was also not paid with salary from the month of June 2015 and hence, she is yet to submit her joining report. She was also issued with another charge memo on 03.08.2015 under Rule 17[b] of the

Tamil Nadu Civil Services [Discipline and Appeal] Rules, pointing out certain delinquency and in response to the same, she has submitted a representation dated 23.09.2015 to the 2nd respondent requesting for furnishing of certain documents so as to defend the allegations levelled against her. Challenging the vires of the two charge memos, she came forward to file this writ petition.

3 Learned counsel for the petitioner would submit that the respondents did not take into account of the fact that the order of transfer has been passed during the middle of the academic year. It is in gross violation of G.O. [1D] No.137, School Education Department dated 09.06.2014, as it was effected during the middle of the academic year. Further, the respondents have not taken into consideration the purport of the interim orders granted by this Court in WP.No.13682/2015 and prays for appropriate orders.

4 Per contra, Mr.G.Anantha Rangan, learned standing counsel, who accepts notice on behalf of the respondents would submit that the transfer is part and parcel and incident to the service and admittedly all the Corporation Schools are located within the corporation city limits and therefore, the petitioner cannot express any grievance with regard to the order of transfer and would further submit that even before the granting of interim order by this Court, the petitioner has been relieved on 01.06.2015 and she did not chose to join the service and also pointing out certain other delinquencies, the impugned charge memos came to be issued and prays for dismissal of this writ petition.

5 This Court considered the rival submissions made on either side and also perused the materials placed before it.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, this Court is of the view that it would be suffice to direct the 2nd respondent to conclude the disciplinary proceedings initiated against the petitioner after affording reasonable opportunity of hearing and conclude the same within the stipulated time frame.

7 In the result, the writ petition is disposed of and the 2nd respondent is directed to conclude the disciplinary proceedings initiated against the petitioner after affording reasonable opportunity to her to defend herself against the charges framed against her, conclude the

same and pass final orders in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

AP Sub Assistant Registrar

To

1. The Commissioner [Education]
Education Department,
Chennai Corporation,
Rippon Buildings, Chennai 600 003.
2. The Deputy Commissioner [Education]
Education Department,
Chennai Corporation, Rippon Buildings
Rippon Buildings, Chennai 600 003.
3. The Education Officer
Education Department,
Chennai Corporation, Rippon Buildings
Chennai 600 003.

1 CC to Mr.G.Anantha Rangan, Advocate SR.No. 58259

1 CC to Mr.G.Purushothaman, Advocate SR.No. 58137

SKV (CO)
PSI (05.11.2015)

W.P.No.33692/2015

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