

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE **K.K.SASIDHARAN**

Writ Petition No. **3814 of 2015**
& M.P.No.1 of 2015

1 Mr. K.Kasirajan .. Petitioner

Vs.

1 The Director
Adi Dravidar Welfare Department
Chennai-5.

2 The District Welfare Officer
Adi Dravidar and Tribal Welfare Department
Villupuram.

3 The District Welfare Officer
Adi Dravidar and Tribal Welfare Department
Namakkal District.

4 Head Master
Government Tribal Residential School
Gomuki Dam, Chinna Salem
Villupuram District.

5 Head Master
Government Tribal Residential School
Vazhavandinadu, Namakkal District.

..
Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorarified Mandamus calling for the records pertaining to issuance of the order dated 09.01.2015 passed by the 4th Respondent herein in Na.Ka.A1/7/2015 and quash the same as illegal and arbitrary and against the G.O.Ms.No.281 dated 09.12.2014 and consequently direct the respondents to consider the representation of the petitioner dated 11.01.2015 within a stipulated time.

For Petitioner

: Mr.C.Umashankar

For Respondents

: Mr.P.Sanjay Gandhi, AGP

O R D E R

The petitioner is presently working as Post Graduate Assistant in Physics in Government Tribal Residential School at Gomukhi Dam, Villupuram District. The petitioner is transferred to Vazhavandhi Nadu in Namakkal District. The petitioner challenges the transfer order on various grounds including the difficulty to move on account of the studies of his children. The wife of the petitioner died long ago and as such the petitioner has to look after his children, who are studying in College and School. The petitioner therefore challenges the transfer order dated 9.1.10215, which was made during the currency of academic year.

2. When the Writ Petition came up for hearing on 23.02.2015 taking into account the difficulties narrated by the petitioner, I have directed the learned Additional Government Pleader to take instructions as to whether it would be possible to retain the petitioner in the present location till 31.05.2015.

3. The learned Additional Government Pleader, on instructions from the first respondent, submitted that the petitioner would be permitted to continue at the present location subject to giving undertaking that he would join at the transferred place on 1.6.2015.

4. The petitioner in paragraph 5 of the affidavit filed in support of the Writ Petition indicated that he is agreeable to move after the present academic year.

5. The petitioner wanted the transfer order to be kept in abeyance till 31.05.2015 so as to take care of his children, who are now undergoing studies. The first respondent is also agreeable to permit him to serve in Villupuram District till the end of the current academic year.

6. The fourth respondent is directed to keep the impugned order dated 09.01.2015 in abeyance till **31.05.2015**. The petitioner is directed to join duty at the transferred place on or before 1.6.2015. It is made clear that this order is passed by consent and as such the petitioner should join at the transferred place as undertaken by him.

7. The Writ Petition is disposed of with the above direction. No costs. The connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

ajr

To

- 1 The Director
Adi Dravidar Welfare Department
Chennai-5.
- 2 The District Welfare Officer
Adi Dravidar and Tribal Welfare Department
Villupuram.
- 3 The District Welfare Officer
Adi Dravidar and Tribal Welfare Department
Namakkal District.
- 4 Head Master
Government Tribal Residential School
Gomuki Dam, Chinna Salem
Villupuram District.
- 5 Head Master
Government Tribal Residential School
Vazhavandinadu, Namakkal District.

+1 CC TO MR.C.UMASHANKAR, ADVOCATE SR NO.10550/15
+1 CC TO THE Government Pleader sr No.10854/15.

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W.P.No.3814 of 2015

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RD 20/03/2015