

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.08.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.26727 of 2016

M.Saraswathi

.. Petitioner

Vs.

1.The Director of Adi Dravidar Welfare,
Chepauk, Chennai - 600 005.

2.The District Adi Dravidar and
Tribal Welfare Officer,
Cuddalore, Cuddalore District.

.. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the representation dated 08.06.2016 of the petitioner for transferring her as B.T. Warden existing two vacancies in the Adi Dravidar Welfare Women Hostels within Tittagudi Taluk on health grounds.

For Petitioner : Mr.S.Mani

For Respondents : Mr.P.Chinnadurai
Government Advocate

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to consider the representation dated 08.06.2016 of the petitioner for transferring her as B.T. Warden existing two vacancies in the Adi Dravidar Welfare Women Hostels within Tittagudi Taluk on health grounds.

2.The petitioner joined service as Secondary Grade Assistant in the year 1997 and promoted as B.T. Assistant on 27.12.2010. While she was working as B.T. Assistant at Kattumannar Koil Taluk, she was transferred to Chidambaram Taluk. During February 2016, she was hospitalised for her ailment at Puduchery Cancer Trust Hospital and Research Centre, Puducherry. According to the petitioner, as she was suffering from cancer she could not stand

for a long time to teach the students and hence, seeking transfer as B.T. Warden on health grounds. The transfer counselling will be conducted every year and the academic counselling is slated to take place on 08.08.2016. Hence, the petitioner made a representation dated 08.06.2016 to the respondents but till date no orders have been passed and hence, the Writ Petition has been filed.

3.Mr.S.Mani, learned counsel for the petitioner would submit that the petitioner is suffering from severe cancer and as per G.O.Ms.No.172, Adi Dravidar and Tribal Welfare Department, dated 21.08.2014, the transfer has to be effected only on completion of three years period and that such period of three years need not be insisted for those who gets transfer by consent and those who seeks transfer on the ground of ailment on valid medical proof. He further submitted that since the counselling is scheduled to be held on 08.08.2016, he would be satisfied, if the respondents are directed to consider the representation of the petitioner dated 08.06.2016.

4.Mr.P.Chinnadurai, learned Government Advocate for the respondents would contend that he has got no serious objection for directing the first respondent, who is the competent authority to consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law.

5.Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the first respondent to consider the representation of the petitioner dated 08.06.2016, if she is eligible to include in the counselling to be held on 08.08.2016 and pass appropriate orders, on merits and in accordance with law. However, it is made clear the respondents shall pass orders, independently, depending on the facts and circumstances of the case.

6.The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sri

To

1.The Director of Adi Dravidar Welfare,
Chepauk, Chennai - 600 005.

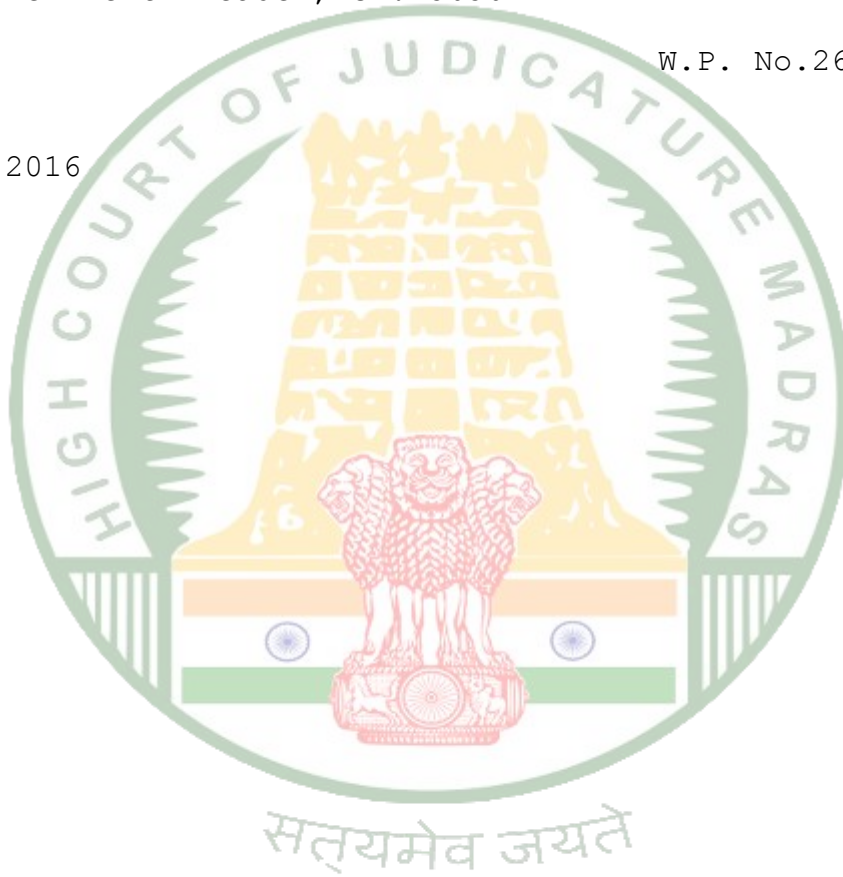
2.The District Adi Dravidar and
Tribal Welfare Officer,
Cuddalore, Cuddalore District.

1 cc ot M/s.Mani, Advocate, sr.43330

1 cc to Government Pleader, sr.43636

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