

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2016

CORAM

THE HON'BLE MR. JUSTICE B.RAJENDRAN

WP.No.28745 of 2016

A.S.Baby

.. 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

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner, dated 05.08.2016, for transferring her as Secondary Grade Warden in the existing vacancy at Sethiyathoppu Government, Adi Dravidar Welfare Girls Hostel, Chidambaram Taluk, Cuddalore District and to pass orders thereon within a period to be specified by this Court and pass further suitable orders.

For Petitioner : Mr.S.Mani

For Respondents: Mr.R.S.Selvam
Government Advocate

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. The petitioner joined as Secondary Grade Assistant, on 13.03.1991, in the Adi Dravidar and Tribal Welfare Department. On 29.08.2008, the petitioner was promoted as Head Master of Elementary School. In order to take care of her children, she has relinquished her promotional post viz., Head Master of Elementary School and got reverted back to the post of Secondary Grade Assistant. Presently, she was working as Secondary Grade Warden in Tharumanallur, Vridachalam, Cuddalore District. The

petitioner is a native of Parathur Village, near Sethiyathoppu, Cuddalore District. The petitioner, being a lady, finds it difficult to travel 120 kilometers to and fro to the present Station, leaving her children under the care of her neighbours, as she is a widow and there is no male member to support her and her children. The petitioner has completed 11 months service in the present station. A vacancy arose for the post of Secondary Grade Warden in Sethiyathoppu Government Adi Dravidar Welfare Girls Hostel, Chidambaram Taluk, Cuddalore District. Seeking transfer to the said School, the petitioner has made a representation to the respondents on 05.08.2016. But, till date, no order has been passed. Hence, the present Writ Petition has been filed seeking to direct the respondents to consider the representation of the petitioner, dated 05.08.2016, for transferring her as Secondary Grade Warden in the existing vacancy at Sethiyathoppu Government Adi Dravidar Welfare Girls Hostel, Chidambaram Taluk, Cuddalore District and to pass orders thereon.

3. Mr.S.Mani, the learned counsel for the petitioner would bring to the notice of this Court a Government Order in G.O.Ms.No.142, Adi Dravidar and Tribal Welfare Department, dated 20.07.2017, in which, certain exemptions were given for completion of three years service as a condition precedent for transfer. In the said Government Order, under the heading "period of service" referred in Clause (vi), it was clearly stated that those who are widow can be considered for transfer to other Station without insisting for completion of three years period. He would further submit that the petitioner would be satisfied, if the respondents are directed to consider the representation of the petitioner, dated 05.08.2016, and pass orders, on merits and in the light of G.O.Ms.No.142, Adi Dravidar and Tribal Welfare Department, dated 20.07.2017, within a time frame.

4. Mr.R.S.Selvam, the learned Government Advocate, who took notice on behalf of the respondents, has got no serious objection in directing the respondents to consider the representation of the petitioner, dated 05.08.2016 and to pass appropriate orders, on merits and in accordance with law.

5. Considering the above submission and also the fact that the petitioner is a widow, this Court, without going into the merits of the claim made by the petitioner, directs the respondents to consider the representation of the petitioner, dated 05.08.2016, and to pass appropriate orders, on merits and in the light of G.O.Ms.No.142, Adi Dravidar and Tribal Welfare Department, dated 20.07.2017, as expeditiously as possible. It is made clear that this Court has not

expressed any opinion with regard to the merits of the claim made by the petitioner.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

paa

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 to Mr.S.Mani, Advocate, sr.47008

1 cc to Government Pleader, sr.47684

W.P.No.28745 of 2016

bvr co
kra 29.08.2016

सत्यमेव जयते
WEB COPY