

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2016

CORAM

THE HON'BLE MR. JUSTICE B.RAJENDRAN

WP.No.28793 of 2016

K.Arivazhagan

.. 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 him as B.T.Warden in the existing vacancy at Kurinjipadi Government Adi Dravidar Welfare Boys Hostel, 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: Mrs.M.E.Raniselvam
Additional Government Pleader

सत्यमेव जयते
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 16.03.1991, in the Adi Dravidar and Tribal Welfare Department. While the petitioner was working as B.T.Assistant at Melavanniyoor Adi Dravidar Welfare Higher Secondary School, on 19.11.2015, he was transferred and posted to the present Station, viz., Ma.Podaiyur Government Adi Dravidar Welfare Boys Hostel, Tittagudi Taluk, Cuddalore District. The petitioner is a native of Kurinjipadi Taluk, Cuddalore District. The petitioner finds it difficult to travel 140 kilometers to and

fro to the present Station, leaving his children under the care of his neighbours, as his wife deserted him and there is no one else to support him and his children. The petitioner has completed 10 months service in the present station. A vacancy arose for the post of B.T.Warden in Kurinjipadi Government Adi Dravidar Welfare Boys Hostel, 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 him as B.T.Warden in the existing vacancy at Kurinjipadi Government Adi Dravidar Welfare Boys Hostel, Cuddalore District.

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/widower 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. Mrs.M.E.Rani Selvam, the learned Additional Government Pleader, 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 widower, 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

To

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

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

+1cc to Mr.V.Mani, Advocate SR.47009
+1cc to the Government Pleader Sr.47683

W.P.No.28793 of 2016

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srg 29/08/2016

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