

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14.12.2016
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.40024/2016

W.Jennifer Pushpalatha

.. Petitioner

Vs

- 1.The Principal Secretary to Government
Social Welfare & Nutritious Meal Program
Fort St George, Chennai 600 009.
- 2.The Commissioner,
Social Welfare & Nutritious Meal Program
Fort St George, Chennai 600 009.
- 3.The Joint Director,
Integrated Child Development Scheme
Guindy, Chennai.
- 4.The Assistant Commissioner,
Integrated Child Development Scheme
Taramani, Chennai.
- 5.The District Program Officer
Integrated Child Development Scheme
Cuddalore.
- 6.The District Program Officer
Integrated Child Development scheme
Coimbatore.

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 5th and 6th respondents herein to relieve the petitioner from Cuddalore and allow her to join duty at Coimbatore in accordance with the transfer order issued in G.O.Ms.No.224, Social Welfare and Noon Meal Program Department dated 23.09.2016 and in the light of the orders issued by this Court in WP.No.20665/2016 dated 30.06.2016 within a time frame.

For Petitioner : Mr.Velmurugan for
M/s.G.Bala and Daisy

For RR 1 to 6 : Mr.K.Dhananjayan, Spl.GP

ORDER

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

2 The petitioner would state that the petitioner initially joined the service as Community Nutrition Instructor on 23.07.1984 and got promoted as Child Development Project Officer in the year 2003 and so far, completed 32 years of hard, sincere and blemishless service to the satisfaction of the superior officers and she is due to retire from service in the year 2020. The petitioner would further state that she was diagnosed with Thyroid Cancer. While she was taking treatment at Christian Fellowship Hospital at Ottanchathiram and subsequently, was referred to G.Kuppusamy Naidu Memorial Hospital, Coimbatore for proper treatment and she got admitted on 11.11.2013 in the said hospital and she underwent a surgery for removal of left side of thyroid gland and she was put on continuous observation and treatment. The petitioner would further aver that despite the said surgery, the cancer cells had spread and therefore, she was admitted again in the very same hospital on 17.05.2014 and her right side thyroid gland was also removed through surgery and the petitioner was directed to undergo continuous treatment and observation. Since the petitioner is undergoing periodical Radiation Treatment for Thyroid Cancer, she submitted a representation dated 26.08.2015 seeking for transferring her from the present place of posting to either Coimbatore or Tiruppur and since it has not been given disposal, she had filed WP.No.20665/2016, praying for issuance of a writ of mandamus, to consider her representation dated 26.08.2015 for transferring her either to Coimbatore or to Tiruppur and this Court, vide order dated 30.06.2016, had directed the respondents to consider and pass necessary orders on the said representation within the stipulated time. Accordingly, the 1st respondent has passed a Government Order in G.O. [Vaalayam] No.224, Social Welfare and Nutritious Meal Programme [SN-1] Department dated 23.09.2016, transferring the petitioner from Keerapalayam Circle, Cuddalore District to Thondamuthur Circle, Coimbatore District.

3 The learned counsel for the petitioner would submit that though the said Government Order came to be passed as early as on 23.09.2016, the petitioner is yet to be relieved from the present place of posting and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

4 Heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents and perused the materials placed before it.

5 It is rather unfortunate that though the 1st respondent has passed the order on 23.09.2016, the petitioner is yet to be relieved from the present place of posting and having left with no other option only, the petitioner is constrained to approach this Court. In all fairness, the 5th respondent being the subordinate official to the Administrative Department, viz., the 1st respondent, ought to have acted on the above cited Government Order dated 23.09.2016. For the reasons best known to him, the said official has failed to do so.

6 This Court, taking into consideration the above facts and circumstances directs the 5th respondent to act on G.O. [Vaalayam] No.224 dated 23.09.2016 and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

AP

To

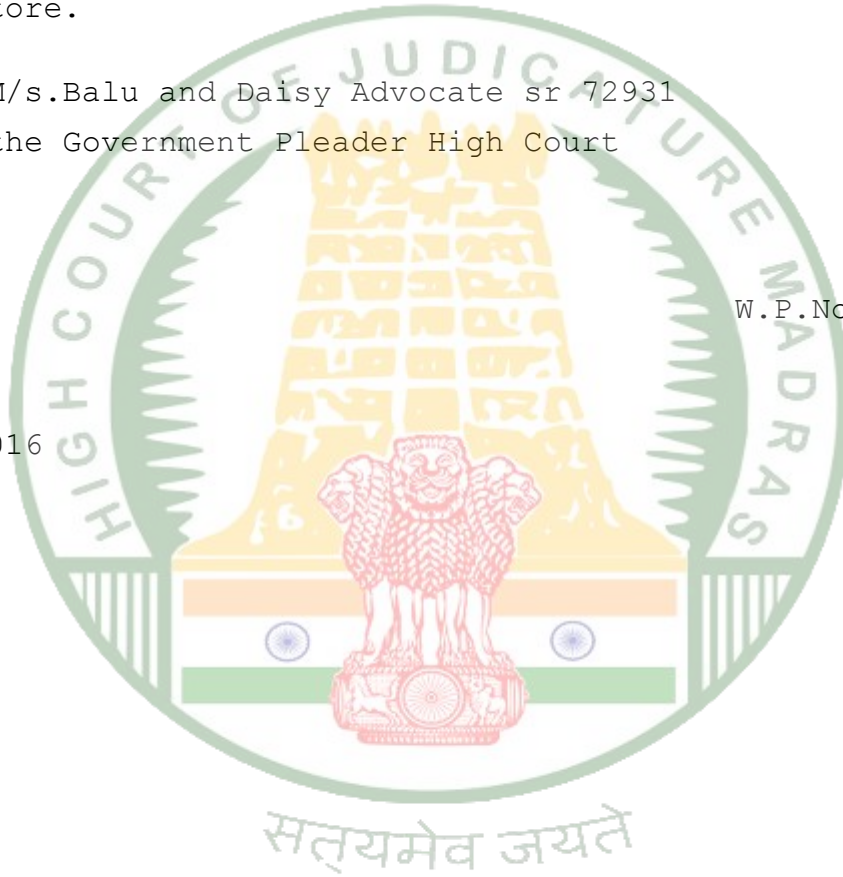
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+1 cc to M/s.Balu and Daisy Advocate sr 72931
+1 cc to the Government Pleader High Court
sr 73310

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