



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.03.2016

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

W.P (MD) No. 4130 of 2016

and

WMP (MD) No. 3698 & 3699 of 2016

N.Mariappan
Cook,
Govt. ADW Boys Hostel,
Vadakkankulam,
Radhapuram Taluk,
Tirunelveli District.

... Petitioner

Vs.

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

2.The District Adi-Dravidar Welfare Officer,
Tirunelveli District, Tirunelveli.

3.The Special Tahsildar (ADW),
Tenkasi Taluk,
Tirunelveli District.

4.The Special Tahsildar (ADW),
Nanguneri Taluk,
Tirunelveli District.

5.Graduate Warden,
Govt. ADW Boys Hostel,
Vadakkankulam,
Radhapuram Taluk,
Tirunelveli District.

6.Mr.Manickam,
Cook,
Govt.ADW Boys Hostel,
Vadakkankulam,
Radhapuram Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1 and 2 respondents to consider the petitioner's case for re-posting at the parent place I.e., Govt. ADW Boys



Hostel, Panpozhi till such time the petitioner may be allowed to continue at the 5th respondent Hostel.

For Petitioner : Mr.K.Gurunathan
For R1 to R5 : Mr.M.Murugan,
Government Advocate

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ORDER

This petition is filed seeking a Writ of Mandamus directing the first and second respondents to consider the case of the petitioner for re-posting him at the parent place I.e., Govt. ADW Boys Hostel, Panpozhi till such time he may be allowed to continue at the fifth respondent Hostel.

2. The petitioner was sponsored through the Employment Exchange for the post of Cook. He was appointed as Cook on consolidated pay and thereafter, he was brought under time scale pay. From the date of posting I.e., 28.02.2011, Panbozhi was in parental place. He had been on deputation at Radhapuram and again he was posted at Vadakkankulam. According to the petitioner, without re-posting him to the parent place, they have appointed the sixth respondent in his place. The petitioner was not allowed to sign the attendance register. On 29.02.2016, when the matter came up for admission, it is submitted by the learned counsel for the petitioner that without even an order of transfer, he was prevented from signing the attendance register. After notice to the Government Pleader, it is stated that the petitioner was transferred to Adi-Dravidar Welfare Boys Hostel, Palayamkottai. The petitioner disputed the fact that he was served with the copy of the transfer order. Once it is brought to the knowledge of the petitioner, he is duty bound to join the place of transfer.

3.The petitioner has also stated that though there are vacancies exists at Kadayanallur etc., he has been unnecessarily transferred to Palayamkottai.

4.It is contended by the learned Government Advocate that the transfer is made only on administrative ground. The petitioner has requested the first respondent to consider his case and re-transfer him to the place closer to Panbozhi. Admittedly, the petitioner has not reported or prevented from reporting in Vadakkankulam Office. Therefore, the petitioner is directed to join the transferred place viz., Palayamkottai office without prejudice to his contention or request made by him in his representation, dated 26.02.2016, immediately on receipt of the copy of the order. It is the case of the petitioner that he was prevented from reporting to Vadakkankulam on 20.02.2016, till today. It was also alleged that he was not served with the copy of the transfer order.



5. Therefore, without expressing any opinion on the merits of the claim made by the petitioner, the first respondent is directed to treat the period between 20.02.2016 till the date of joining, as if the petitioner had reported duty. The first respondent is also directed to consider the representation of the petitioner dated 26.02.2016 sympathetically, for his re-posting at the parent place, as expeditiously and pass appropriate orders on the same, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected writ miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

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To

1. The Director of Adi-Dravidar Welfare Department,
Ezhilagam, Chepauk, Chennai-600 005.
2. The District Adi-Dravidar Welfare Officer,
Tirunelveli District, Tirunelveli.
3. The Special Tahsildar (ADW)
Tenkasi Taluk, Tirunelveli District.
4. The Special Tahsildar (ADW),
Nanguneri Taluk, Tirunelveli District.
5. Graduate Warden,
Govt. ADW Boys Hostel,
Vadakkankulam, Radhapuram Taluk, Tirunelveli District.

+1 cc to Mr.K.Gurunathan, Advocate, SR No.12844

+1 cc to Special Government Pleader, SR No.12927

RG.AAL-MPA/SAR-I 10.03.2016 3P/8C

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