



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2016

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.4513 of 2016

and

W.M.P (MD) Nos.4091 and 4092 of 2016

T.Uma

... Petitioner

Vs.

1.The District Adi Dravidar Welfare Officer,
Thanjavur District,
Adi Dravidar Welfare Office,
Thanjavur.

2.The Special Tahsildar,
Adi Dravidar Welfare Tahsildar Office,
Thanjavur.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st Respondent vide his proceedings in Na.Ka.No.26738/2013/Ma5 dated 25.04.2014 and to quash the same as illegal and consequently directing the 1st respondent to obey the order passed by this Court in W.P.(MD)No.561/2014 dated 01.04.2014 and thereby re-post the petitioner in the original place of her work at the Government Girls Hostel for SC/ST students at Thanjavur.

For Petitioner : Mr.K.Mohanasundaram

For Respondents : Mr.M.Murugan,
Government Advocate.

ORDER

The petitioner was appointed as a Cook in the Government Girls Hostel, Thiruchitrambalam, Pattukottai, Thanjavur District on 29.01.1991 on compassionate grounds and she was transferred to several Government Hostels in Thanjavur District during 2013. During 2013, there were certain anomalous allegations and complaints against the petitioner which were dropped finally after enquiry holding that there was nothing against the petitioner. This had triggered of the transfer of the petitioner to the Government Girls Hostel, Peravurani on 27.12.2013. After transferring the petitioner, another person was posted in the place of the petitioner in Thanjavur. As the said order was



arbitrary and violation of principles of natural justice, the petitioner filed a writ petition in W.P(MD)No.561 of 2014 to quash the order of transfer. While disposing of the said writ petition, this Court had set aside the impugned order and remitted the matter back to the first respondent for passing fresh orders after giving adequate opportunity of hearing to the petitioner. While so, without complying with the said order of this Court by affording opportunity of hearing to the petitioner, the first respondent had passed an order on 25.04.2014 transferring the petitioner to Thiruvonam in Thanjavur District which is impugned in this writ petition. As the petitioner did not have any salary during that period, she was forced to join in the transferred place without prejudice to her rights to challenge the same.

2.Though the said order was passed in 2014, the petitioner claims that she had been making several representations orally and in writing to the respondents, there was no response for the same. Hence, the petitioner has come up with the above writ petition.

3.When the matter came up for hearing on 07.03.2016, learned Government Advocate was asked to verify whether there was any vacancies available in and around Thanjavur to accommodate the petitioner in the nearby place. On instructions, he submitted that there is no vacancy in and around Thanjavur in any one of the hostels to accommodate her.

4.The petitioner is now working at Thiruvonam which is 50 kms away from Thanjavur. According to her, she being a lady having two children is difficult for her to commute to such a far off place every day. Admittedly, the petitioner has been going to the place from 2014, however, the order of transfer is challenged only in the year 2016. As it is stated that she had been making oral requests, if the petitioner is due for next transfer, she may be considered by the first respondent to be transferred to a place nearby Thanjavur. It is further stated that though this Court directed the first respondent to pass orders after giving opportunity of hearing to the petitioner, she was not heard before passing of the impugned order. Therefore, the respondents are strictly directed to comply with the order passed by this Court by affording an opportunity to the petitioner before any order of transfer is being passed.

5.With the above direction, the writ petition is disposed of. No costs. Consequently, W.M.P(MD)Nos.4091 and 4092 of 2016 are closed.

Sd/-

Assistant Registrar (AE)

Sub Assistant Registrar



sms
To

1.The District Adi Dravidar Welfare Officer,
Thanjavur District,
Adi Dravidar Welfare Office,
Thanjavur.

2.The Special Tahsildar,
Adi Dravidar Welfare Tahsildar Office,
Thanjavur.

+1CC to Mr.K.Mohanasundaram Advocate Sr.No.16246
+1CC to Spl.Government Pleader Sr.No.16296

CSL/SKS/RR/1.4.16-3p-5C

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