

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.7118 of 2017

O. Sampath

Petitioner

1 The Collector
Kancheepuram
Kancheepuram District

vs.

2 The Commissioner
Madurantakam Panchayat Union
Madurantakam
Kancheepuram District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to consider the petitioner's representation dated 11.02.2017 requesting for transfer to the existing vacancy in the post of Noon Meal Organizer at the Panchayat Union Middle School, Valluvapakkam, Madurantakam Block.

For petitioner Mr. P. Mohanraj

For R1 Mr. T.M. Pappiah
Special Government Pleader

For R2 Mrs. M.E. Raniselvam for
Addl. Govt. Pleader

ORDER

Mr. T.M. Pappiah, learned Special Government Pleader, accepts notice for the first respondent. Mrs. M.E. Raniselvam, learned Additional Government Pleader, accepts notice for the second respondent. With consent, this writ petition is taken up for final disposal at the admission stage itself.

2 This writ petition has been preferred seeking a writ of mandamus directing the first respondent to consider the petitioner's representation dated 11.02.2017 requesting for transfer to the existing vacancy in the post of Noon Meal Organizer at the Panchayat Union Middle School, Valluvapakkam, Madurantakam Block.

3 The petitioner is working as a Noon Meal Organiser in the Government Adi Dravidar Welfare Middle School, Sanur, Madurantakam Block and since 01.08.2016, he has been holding additional charge of the Noon Meal Organiser at the Panchayat Union Middle School, Valluvapakkam, in which village, he is residing and the distance between Valluvapakkam and Sanur is about 8 kms. Since the petitioner has already completed thirty years of service, he addressed a representation dated 11.02.2017 to the first respondent seeking to retain him in the Panchayat Union Middle School at Valluvapakkam, where, he is holding the additional charge of Noon Meal Organiser. The said representation has not yet been considered. Hence, apprehending that the respondents may fill up the post of Noon Meal Organiser in the Panchayat Union Middle School at Valluvapakkam, the petitioner has filed the instant writ petition seeking the aforesaid relief.

4 The learned counsel for the petitioner, garnering support from G.O. Ms.No.163, Social Welfare and Nutritious Meal Programme Department dated 18.04.2010, submitted that as per the said Government Order, Noon Meal Organisers should be posted only within a distance of 3 kms. from their residence. According to the learned counsel for the petitioner, since the petitioner is presently working in the Government Adi Dravidar Welfare Middle School, Sanur, which is 8 kms. away from his residence, there may not be any impediment for the authorities to retain him in the Panchayat Union Middle School at Valluvapakkam, where he is holding additional charge, on the basis of the aforesaid Government Order.

5 The learned Special Government Pleader appearing for the first respondent and also the learned Additional Government Pleader appearing for the second respondent are unable to dispute the petitioner's claim in view of the Government Order referred to above.

6 Ergo, taking note of the fact that the petitioner has been holding additional charge of Noon Meal Organiser in the Panchayat Union Middle School at Valluvapakkam since 01.08.2016, this Court is of the considered view that the petitioner can be

retained in the Panchayat Union Middle School at Valluvapakkam and the post of Noon Meal Organiser in the Government Adi Dravidar Welfare Middle School, Sanur, can be filled up either by way of appointment or giving additional charge to someone else.

7 Accordingly, this Court directs the respondents to consider the petitioner's representation dated 11.02.2017 and pass orders retaining him in the Panchayat Union Middle School at Valluvapakkam, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition stands disposed of. Costs made easy.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

- 1 The Collector
Kancheepuram
Kancheepuram District
- 2 The Commissioner
Madurantakam Panchayat Union
Madurantakam
Kancheepuram District

+1 cc to P.Rajendran, Advocate Sr.No. 18240
+ 1 cc the Government Pleader Sr.No.18252

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RR(CO)

RRI 12/04/2017

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