

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.9.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1174 of 2017
and
C.M.P.No.16306 of 2017

V.Rajakumari .. Appellant/Petitioner

Versus

- 1 The Collector,
Salem, Salem District.
- 2 The Commissioner,
Kadaiyampatti Panchayat Union,
Salem District. ..Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 23.8.2017 passed in W.P.No.22555 of 2017 filed under Article 226 of the constitution of India praying for issuance of a writ of certiorarified mandamus to to call for the records relating to the impugned order of the first respondent in Na.Ka.No.124/2017/Sa.U.Thi 2 dated 11.08.2017.

For appellant : Mr.G.K.Ilanthiraiyan

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who takes notice on behalf of the respondents.

2. It appears that the appellant/writ petitioner, who was working as Noon Meal Organiser in Kadaiyampatti Panchayat Union Middle School was transferred to Kolathur Panchayat Union in the Periya Thanda Panchayat Union Primary School, on administrative

reasons viz., receipt of a complaint. It is the case of the appellant that the place where she has been transferred is at a distance of beyond 70 kilometres which is in violation of the guidelines issued in G.O. Ms.No.163 issued by the Department of Social Welfare and Nutritious Meal Scheme, which suggests that the employee shall reside within a distance of 3 Kms radius. Since, the relief sought for by the appellant was not granted by the learned Single Judge, the present writ appeal has been filed.

3. From the facts and circumstances of the case, though it appears that the appellant had been transferred on some allegation, it need not necessarily be at such a far distant place. Therefore, though we do not intend to interfere with the order passed by the learned Single Judge sofar as transfer of the appellant is concerned, however, in modification of the order passed by the learned Single Judge, we direct that the authorities to re-consider the issue and transfer the appellant within a radius of 10 kilometers, within a period of ten days from the date of receipt of a copy of this judgment. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Collector,
Salem, Salem District.
- 2 The Commissioner,
Kadaiyampatti Panchayat Union,
Salem District.

+lcc to Mr.Sai Barath & Illan, Advocate, S.R.No.74318
+lcc to the Government Pleader, S.R.No.70666

W.A.No.1174 of 2017

SKS (CO)
CS/25/10/17