

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15121 of 2017

A.R.Yesoda

.. Petitioner

-vs-

1. The District Collector
Nilgiris District, Uthagamandalam

2. The Commissioner
Gudalur Panchayat Union
Gudalur, The Nilgiris District

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to consider the proposals sent by the second respondent in Na.Ka.A3.No.1285/2015 dated 31.01.2017 with regard to the petitioner's transfer to the existing vacancy in the post of Noon Meal Organizer at the Government Higher Secondary School, Ambalamoola, Gudalur Panchayat Union, The Nilgiris District.

For Petitioner :: Mr.P.Rajendran

For Respondents:: Mr.T.M.Pappiah
Special Government Pleader for R1
Mr.O.Selvam for R2

ORDER

The petitioner is working as a Noon Meal Organizer at Government Primary School, Ambalavayal, Gudalur Panchayat Union, The Nilgiris District and is holding additional charge of the post of Noon Meal Organizer at the Government Higher Secondary School, Ambalamoola, Gudalur Panchayat Union, The Nilgiris District since 2.11.2015. She is a resident of Kozhichal village, Pandalur Taluk, The Nilgiris District. As the distance between her residence and the place she is presently working, namely, Ambalavayal is about 7 Kms., and there is no bus facility to reach the said place from her residence, but the place where she is holding additional charge, namely,

Ambalamoola is only about 2 Kms., from her residence and that the said post is also lying vacant for quite a long time, she has given a representation to retain her in the centre at Ambalamoola, where she has been given additional charge. Considering the plight of the petitioner that she will be able to perform her duties satisfactorily if she is retained permanently in the centre at Ambalamoola, where she is holding additional charge, instead of in the place at Ambalavayal, where she is presently working, a proposal has also been sent by the Commissioner of Gudalur Panchayat Union, the second respondent herein on 31.1.2017 to the District Collector, The Nilgiris District, the first respondent herein. But the said proposal has not been till date considered. Therefore, if a direction is issued to the first respondent to consider the proposal sent by the second respondent for retaining the petitioner at Ambalamoola centre, where she is holding additional charge, no prejudice will be caused to any one, it is pleaded.

2. Mr.T.M.Pappiah, learned Special Government Pleader, taking notice on behalf of the first respondent and Mr.O.Selvam, learned counsel, taking notice on behalf of the second respondent, sought for sufficient time to consider the proposal sent by the second respondent to the first respondent.

3. When the petitioner has already been holding additional charge of the post of Noon Meal Organizer in the centre at Ambalamoola since 2.11.2015, which is about 2 Kms., from her residence and that a proposal has already been sent by the second respondent to the first respondent to retain her in the post of Noon Meal Organizer in the centre at Ambalamoola, which is lying vacant, to perform her duties satisfactorily, instead of at the centre at Ambalavayal, the District Collector, The Nilgiris District, the first respondent herein shall consider the said proposal and pass orders for retaining the petitioner as Noon Meal Organizer at the Government Higher Secondary School, Ambalamoola, Gudalur Panchayat Union, The Nilgiris District and she may be given additional charge of the post of Noon Meal Organizer at the Government Primary School, Ambalavayal, Gudalur Panchayat Union, The Nilgiris District till such time the vacancy is filled up, within a period of four weeks from the date of receipt of a copy of this order. With this direction, the writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ss

To

1. The District Collector
Nilgiris District, Uthagamandalam
2. The Commissioner
Gudalur Panchayat Union
Gudalur, The Nilgiris District

+1cc to Mr.P.Rajendran, Advocate Sr.43000

+1cc to the Government Pleader Sr.42818

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