

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE : 28.11.2018

CORAM
THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 30625 OF 2018
AND
W.M.P. NOS. 35710 & 35713 OF 2018

A.Sekar

.. Petitioner

- Vs -

1. The Secretary to Government
Adi Dravidar Welfare Department
Fort St. George, Chennai 600 009.

2. The Director of Adi Dravidar Welfare
Chepauk, Chennai 600 005.

3. The District Welfare Officer
Adi Dravidar Welfare
Dharmapuri District, Dharmapuri.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari calling for the records of the 2nd respondent in relation to the impugned order in Na.Ka. No.01/4478/2017-2 dated 30.10.2018 and quash the same so far as the proposed transfer of the petitioner is concerned as being arbitrary.

For Petitioner : Ms. Dakshayani Reddy

For Respondents : Mr. R.Selvam, GA

ORDER

The petitioner herein challenges the inclusion of his name in the list of persons, who are likely to be transferred.

2. Learned counsel for the petitioner submits that the petitioner has not given any option or willingness to be transferred from Adi Dravidar Department to Tribal Welfare Department and, therefore, the inclusion of his name in the list for transfer is not appropriate.

3. Mr. R.Selvam, learned Government Advocate, takes notice for the respondents and on instructions, produced a communication dated 19.11.18 in which the request of the petitioner for cancellation of possibility of transfer has been

forwarded by the 3rd respondent to the 2nd respondent. It is submitted that it is for the 2nd respondent to consider the case of the petitioner and pass orders not to transfer him on the basis of the representation submitted by the petitioner.

4. Learned counsel for the petitioner also relies upon the medical report of the petitioner, which is enclosed in the typed set of papers and based on health grounds also, the petitioner's request for retention in the same department in which he is working has to be considered.

5. In view of the limited relief sought for, this Court is of the view that it would be suffice to direct the respondents to consider the representation of the petitioner for retention in the same department within a particular time frame.

6. In the above circumstances, this writ petition is disposed of directing the 2nd respondent to consider the proposal sent by the 3rd respondent in the light of the health condition alleged by the petitioner. The petitioner is permitted to produce the medical report before the 2nd respondent within one week from the date of receipt of a copy of this order. On the production of the medical reports, the 2nd respondent is directed to consider the same and pass orders, taking into account the health condition of the petitioner, within a period of four weeks from the date of submission of the medical records of the petitioner. It is made clear that till order is passed on the representation in accordance with law, the petitioner shall not be transferred. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Secretary to Government
Adi Dravidar Welfare Department
Fort St. George, Chennai 600 009.
2. The Director of Adi Dravidar Welfare
Chepauk, Chennai 600 005.

3. The District Welfare Officer
Adi Dravidar Welfare
Dharmapuri District, Dharmapuri.

+1cc to Mr.Dakshayini Reddt, Advocate, S.R.No.81444
+1cc to the Government Pleader, S.R.No.81753

W.P. NO.30625 OF 2018

rrs 19/12/2018



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