

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.32985 of 2018

and W.M.P.Nos.38244 and 38245 of 2018

S.Deivanai Sundari

....Petitioner

Vs

1.The State of Tamil Nadu

rep.by its Secretary to Government

Adi Dravidar and Tribal Welfare Department

Secretariat, Fort St.George,

Chennai-600 009.

2.The Director of Adi Dravidar Welfare

Chepauk, Chennai-600 005.

.....Respondents

For Petitioner : M/s.G.Sankaran

For Respondent : Mr.R.S.Selvam, Government Advocate

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus to call for the records relating to the impugned order issued by the second respondent in Na.Ka.No.E1/19287/2017 dated 20.04.2018 and the subsequent order of transfer issued by the second respondent in Na.Ka.No.E1/3716/2018 dated 20.04.2018 and to quash the same in so far as the petitioner is concerned and consequently directing the respondents to restore the post of Assistant in Government Adi Dravidar Welfare Higher Secondary School, Dharmanallur, Cuddalore District and to allow the petitioner to continue to work in the post of Assistant with all consequential and other attendant benefits.

सत्यमेव जयते

O R D E R

The petitioner is working as Assistant in Government Adi Dravidar Welfare Higher Secondary School, Dharmanallur, Cuddalore District. Her name was included in the panel for promotion to the post of Superintendent in the year 2015, whereas due to family circumstances, as she was not able to work in other stations outside Cuddalore District, she relinquished her promotion as per letter dated 27.04.2015 in order to continue to work in the same school in Dharmanallur, Cuddalore District. The Government issued order in G.O.Ms.No.56, Adi Dravidar and Tribal Welfare Department dated 28.08.2017 directed for creation of separate department for Tribal Welfare by

conferring powers to Director of Tribal Welfare and further number of posts were directed to be allotted by transfer from Adi Dravidar Welfare Department to Tribal Welfare Department. As per G.O.Ms.No.56 dated 28.08.2017, certain posts in Adi Dravidar Welfare Department were diverted to Tribal Welfare Department. Pursuant to the same, the second respondent issued orders dated 20.04.2018 transferring 12 posts of Assistant available in ADW schools in various districts to Tribal Welfare Department, which include the post of Assistant in Government ADW Higher Secondary School, Dharmanallur, Cuddalore District, in which the petitioner is working. Accordingly, the petitioner was transferred to the post of Assistant in Adi Dravidar Welfare, Chennai - 600 005 along with others, by an order dated 20.04.2018. In this regard, the petitioner submitted a representation to the respondents seeking to cancel the order of transfer and accommodate her in the same school, where she is working, which has not been considered. Hence, the petitioner has filed the present writ petition, challenging the order of transfer dated 20.04.2018.

3. Mr.R.S.Selvam, learned Government Advocate takes notice on behalf of the respondents. Heard the learned counsel appearing on either side and perused the materials available on record.

4. Learned counsel for the petitioner submits that it would be suffice if the representation of the petitioner is considered. In view of the limited relief sought for, this Court is of the view that it is not necessary to dwell into the merits of the issue, but it would be suffice to direct the respondents to consider the representation of the petitioner and pass orders on the same within a particular time frame.

5. In the above circumstances, this writ petition is disposed of directing the respondents, to consider the representation of the petitioner dated 01.10.2018, especially in the light of relinquishment of promotion, and pass orders thereon, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

SAI (CO)

To

1.The Secretary to Government  
The State of Tamil Nadu  
Adi Dravidar and Tribal Welfare Department  
Secretariat, Fort St.George,  
Chennai-600 009.

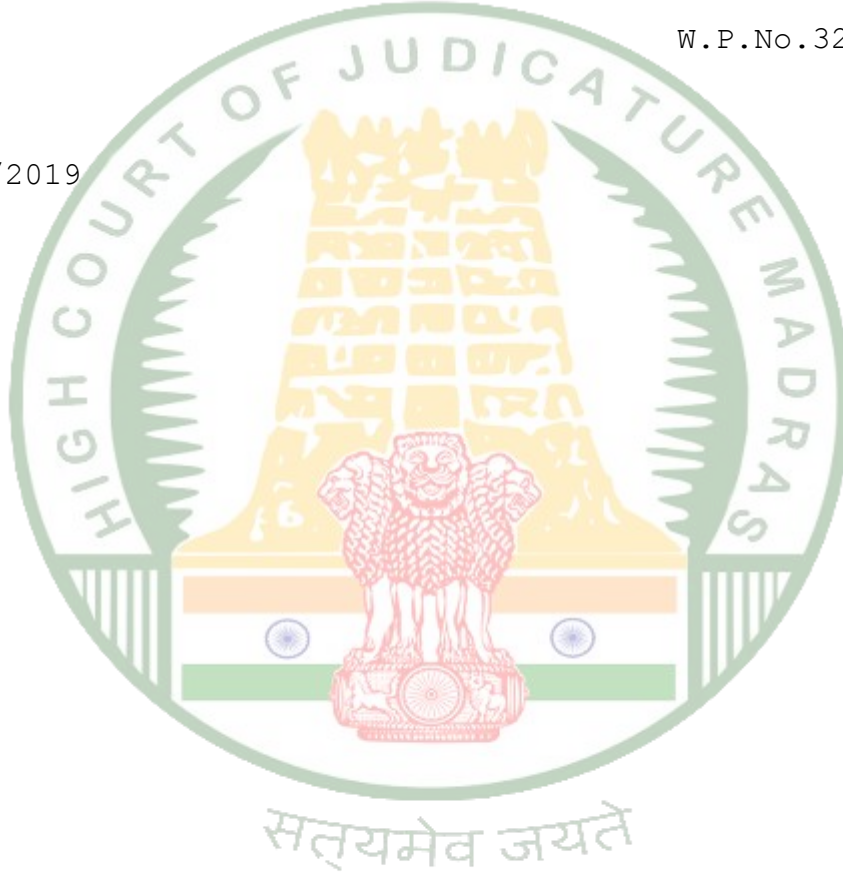
2.The Director of Adi Dravidar Welfare  
Chepauk, Chennai-600 005.

+lcc to the G.Sankaran, Advocate, S.R.No.87190

W.P.No.32985 of 2018

SAI (CO)

rrs 25/01/2019



WEB COPY