



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.3424 of 2018

K.Saradha

... Petitioner

Vs.

The Director,
Adi Dravidar Welfare Department,
Kamaraj Salai, Chepauk,
Chennai - 600 005.

... Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to consider and pass orders on the representation of the petitioner dated 11.01.2018. relating to withdrawal of the order of transfer in Na.Ka.No.01/16135/2017 dated 03.11.2017 within a time frame.

For Petitioner
For Respondent

: Mr.B.Saravanan
: Mrs.S.Srimathy,
Special Govt. Pleader

ORDER

Mrs.S.Srimathy, learned Special Government Pleader takes notice for the respondent.

2.By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner is working as a Graduate Warden in Government Adi Dravidar Welfare Girls Hostel, Kamuthi, Ramanathapuram District. By order dated 03.11.2017, the petitioner was transferred from Kamuthi to Neeravi. In her place, one G.Mariyammal was posted. The said order was challenged by the writ petitioner by filing WP.No.30003 of 2017. The said writ petition ultimately came to be withdrawn on 08.12.2017 by recording the submission of the petitioner's counsel that he would pursue the matter at the departmental level.



4.The petitioner has since given representation dated 11.01.2018 to the respondent. This Court has gone through the contents of the said representation. A specific claim is made by the petitioner that she never requested for being transferred to Neeravi. But, the transfer order dated 03.11.2017 reads that the transfer order was made based on the request by the petitioner as well as for administrative reasons. If really the petitioner had not made any request for transfer, then the order dated 03.11.2017 is clearly vitiated. The petitioner's specific case is that she has undergone a major surgery for cancer. It is also further contended that the transfer was not preceded by any counselling. If these three grounds of the petitioner are really made out, then the transfer order has to go.

5.However, it is for the respondent herein to examine those three grounds and pass a speaking order on before 28.02.2018. It is made clear that if the petitioner is aggrieved by the order to be passed by the respondent, it is open to the petitioner to approach this Court again.

6.The writ petition is allowed as indicated above. No costs.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To
The Director,
Adi Dravidar Welfare Department,
Kamaraj Salai, Chepauk,
Chennai - 600 005.

+1CC TO M/S.B.SARAVANAN, ADVOCATE, SR NO.49724

W.P(MD)No.3424 of 2018
20.02.2018

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