

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10834 of 2009

V.Duraisamy

.. Petitioner

-vs-

The District Adi Dravidar and
Tribal Welfare Officer,
Collectorate, Erode.

.. Respondent

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the respondent in his proceedings Na.Ka.No.2127/2009/Tha.1, dated 24.02.2009 and quash the same in so far as the petitioner is concerned.

For Petitioner :: No appearance

For Respondent :: Mr.K.Ravikumar,
Additional Government Pleader

ORDER

The writ petition has been filed challenging the impugned order of transfer bearing proceedings Na.Ka.No.2127/2009/Tha.1, dated 24.02.2009.

2.It is seen that the petitioner was appointed as Cook in the respondent department and posted in Erode District. The grievance of the petitioner is that when he was working as Cook in the Government Residential School, Kakkayanur from 28.05.2007, the respondent passed an order transferring the petitioner from Government Residential School, Kakkayanur to Government College Boys Hostel, Erode, during non transferring period, that too, without completion of three years in one place.

3.Counter affidavit filed by the respondent shows that the petitioner was transferred from Bhavani Taluk to Erode Taluk and the same are adjacent taluks and the transferred place is within 20 k.ms. from the working place of the petitioner and hence there is no hardship would be caused to the petitioner. Taking into consideration the several factors such as the performance of the Cooks, their quality of service and their duration of service in a particular station of places, the common posting

order was issued. However, transfer of staff including Cooks was made according to the prevailing circumstances. More over, the petitioner, after receiving the transfer order dated 24.02.2009, has been continuously working at Kakkayanur Hostel and he was not forced to join at new place and no relieving order was issued in this regard.

4.This Court, while entertaining the writ petition, has granted an order of interim stay and that was extended from time to time. Since the petitioner has been continuously working in the Government Residential School, Kakkayanur from 28.05.2007 viz. for the past ten years, he did not join at new place. Considering several factors, such as, the performance of the Cooks, their quality of service and their duration of service in a particular station of places, where common posting order was issued and seven other Cooks were also transferred, this Court, finding no merit in the writ petition, is not inclined to entertain the same. Accordingly, the writ petition fails and the same is dismissed. The respondent is given liberty to pass transfer order to any other place against the petitioner since the petitioner has completed more than ten years of service in the same place. No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

The District Adi Dravidar and
Tribal Welfare Officer,
Collectorate, Erode.

+1 CC to Govt. Pleader sr 22079

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MR (CO)
SP(12/04/2019)