

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27366 of 2019

and

W.M.P.Nos.26811 & 26812 of 2019

P.Sudhakar

... Petitioner

Vs.

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

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

3.The Director,
Tribal Welfare Department,
Chepauk, Chennai - 600 005.

4.Mr.Rajamani

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order bearing Na.Ka.No.02/8402/2018, dated 24.05.2018 issued by the second respondent transferring the petitioner to Tribal Welfare Department and to quash the same and consequently directing the respondents to restore the petitioner in the parent unit viz., Adi Dravidar Welfare Department in the post of B.T.Warden (English), in Government Adi Dravidar Boys Hostel, Thirumanur, Salem District.

For Petitioner : Mr.G.Sankaran

For Respondents: Mrs.R.Janaki

Additional Government Pleader

O R D E R

Mrs.R.Janaki, learned Additional Government Pleader, accepts notice on behalf of the respondents. By consent, this writ petition is taken up for final disposal.

2.The petitioner was initially appointed as Secondary Grade Teacher in Adi Dravidar and Tribal Welfare Department on 01.02.2002 and subsequently promoted as B.T.Assistant (English) on 01.02.2012. While so, a G.O.Ms.No.56, Adi Dravidar Welfare and Tribal Welfare Department dated 28.08.2017 came to be passed for bifurcation of Adi Dravidar Welfare and Tribal Welfare Department into Adi Dravidar Welfare Department and Tribal Welfare Department by allocation of post in each Department. At the time of passing this order, the petitioner was working in Adi Dravidar Welfare Development in the post of B.T.Warden in Government Adi Dravidar Boys Hostel, Thirumanur, Salem District and he submitted a letter to the 2nd respondent expressing his willingness to continue in Adi Dravidar Welfare Department itself. While so, the 2nd respondent issued an order of transfer to the petitioner in Na.Ka.No.02/8402/2018 dated 24.05.2018 transferring him from Thirumanur Government Adi Dravidar Boys Hostel to G.T.R.High School, Arunoothumalai, Vazhapadi Taluk, Salem District, which comes under Tribal Welfare Department. Though the petitioner obeyed the order and joined in the G.T.R.School, he made a representation dated 21.08.2019 to the respondents to cancel the unit transfer and restore him in the Adi Dravidar Welfare Department. Since, the same has not been considered, the present petition has been filed.

3.Heard both sides.

4.The learned counsel for the petitioner submitted that though the Director of Tribal Welfare Department having perused the petitioner's representation and on verification of records, issued orders granting No objection certificate for transferring back the petitioner to his parent Department and also forwarded his recommendations to the 2nd respondent, the same was not considered. He would further submit that, it would suffice if a direction is issued to the 2nd respondent to consider the representation of the petitioner dated 21.08.2019 and pass orders within a reasonable time as fixed by this Court.

5.Thus, without going into the merits of the case, this Court is inclined to direct the 2nd respondent to consider the representation of the petitioner dated 21.08.2019 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order.

6.With the above direction, this writ petition stands disposed of. No costs. Connected miscellaneous petitions are also closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rm
To

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

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

3.The Director,
Tribal Welfare Department,
Chepauk, Chennai - 600 005.

+1 CC to Mr.G.Sankaran, Advocate sr 79470.

W.P.No.27366 of 2019
and
W.M.P.Nos.26811 & 26812 of 2019

BP(CO)
SP(25/09/2019)

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