

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.04.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.31987 of 2018
and
W.M.P.No. 37241 of 2018

G.Munusamy

... Petitioner

...Vs...

- 1.The State rep. by
The Secretary to Government,
Adidravidar & Tribe Welfare Department,
Secretariat, Chennai - 600 009.
- 2.The Director,
Adidravidar Welfare Department,
Ezhilagam Building,
Chennai - 600 005.
- 3.The District Adidravidar Welfare Officer,
Salem district, Salem.
- 4.The Special Thasildar,
Adidravidar Welfare Department,
Salem District, Salem. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 17.11.2018 and consequently retain the petitioner in the present working place in the Government Adhidravidar Welfare Hostel, Maravaneri, Salem - 7.

For Petitioner : Mr.M.Rajendiran

For Respondents : Mr.R.S.Selvam
Government Advocate

O R D E R

The relief as such sought for in the present writ petition is for a direction to direct the respondents to consider the representation submitted by the writ petitioner on 17.11.2018.

2. The grievances of the writ petitioner is that pursuant to the bifurcation of the Department of Adhidravidar and Tribal Welfare, the writ petitioner has opted to serve in the Department of Adhidravidar.

3. The learned counsel for the writ petitioner states that the writ petitioner had already expressed his willingness to continue his service in the department of Adhidravidar, and the Tahsildar Adhidravidar Welfare Department, has sent a letter dated 19.11.2018, to the District Adhidravidar and Tribal Welfare Department Officer, Salem. Such being the case, the case of the writ petitioner is to be considered.

4. The learned Government Advocate appearing on behalf of the respondent states that the Department was bifurcated through the Government Order issued in G.O.Ms.No.56, Adi Dravidar & Tribal Welfare Department, dated 28.08.2017. As per the bifurcation order, the terms and conditions are stipulated in respect of transferring the employees from one department to another department which is newly created under the said G.O.Ms.No.56. In the counter affidavit filed by the Government, it is stated that initially the petitioner was appointed on 08.12.2012 as Physical Director in Government Tribal Welfare Higher Secondary School, Karumanthurai. The petitioner in transfer application dated 07.08.2018, mentioned his residential address as Salem, Attur Taluk, Therukkadu, 33th Ward - 133. The present address mentioned by the writ petitioner and the individual department transfer tentative list prepared by the department at Paithur Government Tribal Welfare Hostel is hardly only three kilometers. As per the Government Order issued in G.O.Ms.No.56, if more than a member applied for one place of transfer, the department may consider and transfer the juniors instead of senior officials. When the Government Order states certain procedures to be followed, the Authorities Competent are bound to follow such procedures for the purpose of allotting employees from one department to another department or to retain the employees in the same department. Scuh a decision is taken strictly with reference to the Government Orders passed in this regard.

5. The learned counsel for the writ petitioner states that no such decision has been taken in respect of the representation submitted by the writ petitioner. Under these circumstances,

without going into the merits of the matter, third respondent is directed to consider the representation submitted by the writ petitioner on 17.11.2018 and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

Pns

To

- 1.The Secretary to Government,
Adidraavidar & Tribe Welfare Department,
Secretariat, Chennai - 600 009.
- 2.The Director,
Adidraavidar Welfare Department,
Ezhilagam Building,
Chennai - 600 005.
- 3.The District Adidraavidar Welfare Officer,
Salem district, Salem.
- 4.The Special Thasildar,
Adidraavidar Welfare Department,
Salem District, Salem.

+1 cc to Mr.M.Rajendiran, Advocate, Sr.No. 33657

W.P.No.31987 of 2018
and

W.M.P.No. 37241 of 2018

CSL/03.05.2019

WEB COPY