

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.779 of 2020

K.Narasimman

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

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pass orders for transferring the petitioner to Adi Dravidar Welfare Department as per the willingness exercised by the petitioner based on the Government order issued by the 1st respondent in G.O.Ms.No.56, Adi Dravidar and Tribal Welfare Department, dated 28.08.2017 and the subsequent order issued by the 3rd respondent in Na.Ka.No.01/4478/2017-2 dated 30.10.2018, by accommodating the petitioner to the post of B.T. Assistant/B.T. Warden in the existing vacancy in Krishnagiri District forthwith by considering the representation dated 07.11.2019 submitted by the petitioner within a stipulated time to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.K.Parameswaran

Government Advocate

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O R D E R

This writ petition has been filed for issuance of writ of mandamus directing the respondents to transfer the petitioner to Adi Dravidar Welfare Department pursuant to the willingness expressed by him and in accordance with G.O.Ms.No.56, dated 28.08.2017.

2.The case of the petitioner is that he was appointed as Secondary Grade Teacher in Adi Dravidar and Tribal Welfare Department in the year 2007 and he was subsequently promoted as B.T. Assistant in the year 2015. The petitioner was thereafter transferred to Kallathupatti GTR Middle School by an order dated 19.07.2017. The petitioner challenged the said order in W.P.No.26251 of 2017 and this Court also granted interim stay. The petitioner complained that the interim order was not complied with and therefore, a contempt petition was also filed in Cont.P.No.1172 of 2018.

3.In the meantime, the Government issued orders in G.O.Ms.No.56, dated 28.08.2017 for bifurcation of Adi Dravidar and Tribal Welfare Department by allocating separate posts in each of the Departments. The said Government order also sought for willingness from the staff. Based on this Government order, the petitioner had submitted his willingness to get himself transferred to Adi Dravidar Welfare Department. The petitioner also withdrew his writ petition and the petitioner was expecting the respondents to consider the willingness expressed by him for transfer to Adi Dravidar Welfare Department. The further case of the petitioner is that similarly placed persons had approached this Court and pursuant to the directions issued by this Court, appropriate orders have been passed by the respondents. The petitioner has submitted the representation dated 07.11.2019 to consider him to be posted in any of the vacancies in Adi Dravidar Welfare Department. Since, the same has not been considered, the present writ petition has been filed before this Court seeking for appropriate directions.

4.Heard Mr.G.Sankaran, learned counsel appearing on behalf of the petitioner and Mr.K.Parameswaran, learned Government Advocate appearing on behalf of the respondents.

5.Taking into consideration the facts and circumstances of the case and also the purport of G.O.Ms.No.56, dated 28.08.2017, which had sought for willingness from the staff and the petitioner having expressed his willingness to get himself transferred to the Adi Dravidar Welfare Department and has also given a representation on 07.11.2019 in this regard, there shall be a direction to the 2nd respondent to consider the representation made by the petitioner on 07.11.2019 and pass appropriate orders subject to the availability of vacancies in the concerned Department, within a period of four weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 2nd respondent along with the copy of the earlier representation dated 07.11.2019 and a copy of this order.

6.This writ petition is disposed of with the above direction. No Costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

ssr
To

1. The Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner,
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 3360.
+1 CC to The Govt. Pleader sr 3498.

W.P No.779 of 2020

EV(CO)
SP(14/02/2020)

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