



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2020

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.2390 of 2020

and

W.M.P (MD) Nos.2046 and 2048 of 2020

WEB COPY

A.Manoharan

... Petitioner

vs.

1.The Commissioner,
Commissionerate of Adhi Dravidar Welfare,
Department of Adhi Dravidar Welfare,
Chepauk, Chennai-5.

2.The Joint Director, (General)
Commissionerate of Adhi Dravidar Welfare,
Department of Adhi Dravidar Welfare,
Chepauk, Chennai-5.

3.Personal Assistant to Commissioner,
Commissionerate of Adhi Dravidar Welfare,
Department of Adhi Draavidar Welfare,
Chepauk, Chennai-5.

... Respondents

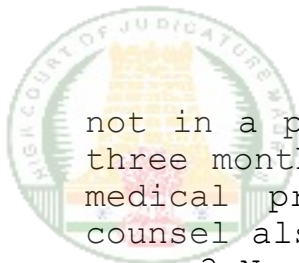
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari, to call for the records impugned transfer order on the file of first respondent vide Na.Ka.No.C1/11/2019 dated 01.02.2020.

For Petitioner : Mr.Raja.Karthikeyan
For Respondents : Mr.C.M.Marichellaiah Prabhu
Additional Government Pleader

ORDER

The petitioner, who has been transferred from Trichy to Thiruvallur District, has challenged the transfer. The petitioner has raised several grounds including the ground that he has not completed one year of service in the present station and that he suffers from various medical ailments, apart from his wife's medical ailments also.

2.The learned counsel for the petitioner would submit that the petitioner is due to retire on 31.05.2020 and after having served for more than 28 years, the present transfer at the verge of his retirement would cause undue hardship to him. Apart from the same, the petitioner is a diabetic patient and he is undergoing treatment for pancreas and giddiness related disease. The petitioner's wife is also a patient, who suffers from various medical ailments. The present place of transfer is more than 450km from his native place. He would further submit that the petitioner is



not in a position to neither take his family for a short period of three months, nor is he able to stay with the family with all these medical problems. On these sympathetic grounds, the learned counsel also placed this submission.

3. Normally this Court would not interfere with a transfer order on the ground of the medical ailments of the petitioner and his family members. However, this is a case, where the petitioner has been in service for very long period and with just less than three months of remaining service, he has been transfer to a place, which is more than 450 KM, inconveniencing him to travel frequently between his native place and the place of transfer.

4. While that being so, it would be appropriate for the respondents to take a sympathetic view in the matter and extend leniency, either by retaining the petitioner in his present place of work or post him in any other nearby place, which may not cause much inconvenience for him to travel to his native place.

5. Though the order of the transfer, which has been made on administrative grounds, cannot be strictly found fault with, there is also a duty cast on the respondents to extend leniency, insofar as their employees who have put in lengthy service and who are at the verge of their retirement. This Court only hope that the respondents extend such leniency view in the matters of this kind.

6. In the light of the above observations, the petitioner is granted liberty to make an appropriate representation to the first respondent herein within a period of 15 days from the date of receipt of a copy of this order. On receipt of such representation, the first respondent herein shall endeavour to explore the possibility of accommodating the petitioner in the manner indicated in the present order. Such a decision shall be taken, as expeditiously as possible. Till such a decision is taken, the respondent shall not give effect to the impugned transfer order.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar (CS)

CP



To:

1.The Commissioner,
Commissionerate of Adhi Dravidar Welfare,
Department of Adhi Dravidar Welfare,
Chepauk, Chennai-5.

2.The Joint Director, (General)
Commissionerate of Adhi Dravidar Welfare,
Department of Adhi Dravidar Welfare,
Chepauk, Chennai-5.

3.Personal Assistant to Commissioner,
Commissionerate of Adhi Dravidar Welfare,
Department of Adhi Draavidar Welfare,
Chepauk, Chennai-5.

+1 CC to M/s.RAJA.KARTHIKEYAN, Advocate (SR-6234[F]

+1 CC to M/s.SPL.GP (SR-6600[F] dated 17/02/2020)

Order made in
W.P.(MD)No.2390 of 2020
Dated:13.02.2020

SMA/28/02/2020/3P/6C