



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.4619 of 2021

and

W.M.P (MD) Nos.3719 and 3720 of 2021

G.Gurunathan
Project Director,
O/o. the Tamil Nadu State Livelihood Mission
(Mahalir Thittam),

Collectorate Campus,
Virudhunagar,
Virudhunagar District.

...Petitioner

Vs.

1.The State of Tamilnadu,
Rep by its Principal Secretary to Government/
Additional Chief Secretary to Government,
Rural Development & Panchayat Raj Department,
Secretariat, Chennai-9.

2.The Commissioner,
Rural Development & Panchayat Raj Department,
Panagal Buildings,
Saidapet,
Chennai-15.

3.The District Collector,
Virudhunagar,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned transfer order passed by the first respondent in his proceedings in murhiz (th) vz;.53, Rural Development and Panchayat Raj (E1) Department, dated 24.02.2021 insofar as petitioner's concerned (Serial No.24) (served to the petitioner on 26.02.2021) and quash the same as illegal and consequently, to direct the respondents to retain the petitioner in the same station in the light of G.O.Ms.No.107, Personnel and Administrative Reforms (S) Department, dated 03.09.2020 within the period that may be stipulated by this court.



For Petitioner : Mr.M.Ajmal Khan
Senior Counsel
for M/s. Ajmal Associates

For Respondents : Mr.J.Padmavathi Devi
Special Government Pleader

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O R D E R

Heard the learned senior counsel for the petitioner and the learned Special Government Pleader for the respondents.

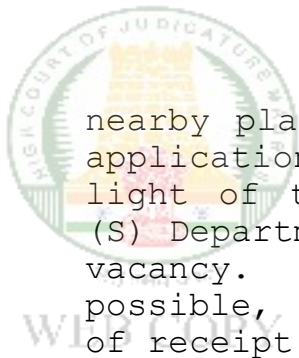
2.The petitioner is aggrieved against the order in G.O.(Rt). No.53, Rural Development and Panchayat Raj (E1) Department, dated 24.02.2021, wherein, the petitioner was transferred and posted as Project Director/Joint Director, District Mission Management Unit, TNSRLM, Tiruvallur District from Virudhunagar.

3.The learned Senior Counsel for the petitioner has placed reliance on G.O.Ms.No.107, Personnel and Administrative Reforms (S) Department, dated 03.09.2020 and submitted that the petitioner herein is a caregiver for his son, who suffers from mental disability. The said G.O(Ms)No.107 provides for preferential consideration to a Government employee, who is a caregiver of dependent son with a special disability. However, the said preferential consideration is not mandatory, but is subject to administrative constraints, as evidenced in Paragraph No.3 of the said Government Order.

4.Nevertheless, the learned Senior Counsel for the petitioner would submit that if the respondents are directed to consider the petitioner's request subject to the availability of vacancy to a place, which is closer to his native District, as per G.O.Ms.No.107, Personnel and Administrative Reforms (S) Department, dated 03.09.2020, he would be satisfied. The said submission seems to be reasonable.

5.At this juncture, the learned Special Government Pleader for the respondents would submit that two posts of Joint Director in Thoothukudi District has already been engaged by two Joint Directors and in view of the onset of model code of conduct of election, the petitioner herein cannot be retained in his native place, namely, at Thoothukudi District. The learned Special Government Pleader has also submitted that all the Joint Directors in the entire State in Rural Development and Panchayat Raj Department have been filled up.

6.In this background, the petitioner is granted liberty to make appropriate application to the respondents seeking for transfer to



nearby place instead of Tiruvallur District and on receipt of such application, the respondents herein shall consider the same, in the light of the G.O.Ms.No.107, Personnel and Administrative Reforms (S) Department, dated 03.09.2020, subject to the availability of any vacancy. Such a consideration shall be done as expeditiously as possible, in any event, within a period of two weeks from the date of receipt of a copy of the representation.

7. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

CP

To

1. The Principal Secretary to Government/
Additional Chief Secretary to Government,
The State of Tamilnadu,
Rural Development & Panchayat Raj Department,
Secretariat, Chennai-9.

2. The Commissioner,
Rural Development & Panchayat Raj Department,
Panagal Buildings,
Saidapet,
Chennai-15.

3. The District Collector,
Virudhunagar,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-10124[F] dated 10/03/2021)

W.P. (MD) No.4619 of 2021

08.03.2021