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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4508 of 2017
and
W.M.P. No. 4735 of 2017

M.Saradha

... Petitioner

-vs-

1. The District Project Officer,
(Integrated Child Development Scheme),
Sai Nagar, Vellore,
Vellore District.
2. The Child Development Project Officer,
Pillaiyar Koil Street, Pudupet,
Gudiyattam - 632 602,
Vellore District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, call for the entire records of the First Respondent's Order of Transfer of the Petitioner made in Se.Mu.Na.Ka.No.435/A1/17 dated 01.02.2017 and Consequential Order of the Second Respondent made in Se.Mu.Na.Ka.No.18/A/2017 dated 01.02.2017 transferring the Petitioner from Meenur-2 to Agraharam - 1 Anganvadi Centre and quash the same.

For Petitioner : Mr. K.A.Ravindran

For Respondents : Mrs. C.Sangamithirai,
Special Government Pleader

O R D E R

Heard Mr. K.A.Ravindran, Learned Counsel for the Petitioner and Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.



2. The Writ Petition challenges the order in Se.Mu.Na.Ka.No.18/A/2017 dated 01.02.2017 passed by the Second Respondent transferring the Petitioner from Meenur-2 to Agraharam - 1 Anganvadi Centre. This Court had not granted any interim order at the time of admission. However, when the matter came up for hearing on 07.02.2022, Learned Counsel appearing for the Petitioner stated that the Petitioner is willing to join at the transferred place and would report for duty on 09.02.2022. It is informed today that when the Petitioner reported for duty, the First Respondent has imposed the following two conditions upon her:-

- (i) attendant benefit could not be granted on the basis of 'no work no pay' principle; and
- (ii) the Petitioner shall undertake that she will not indulge herself in further litigation.

3. Insofar as the first condition is concerned, though no view is expressed by this Court on the correctness or otherwise of the rival claims of the parties in that regard, the Petitioner cannot be precluded from submitting any explanation for modifying such condition and in the event it is not accepted, to seek redressal before the proper forum in accordance with law. However, the second condition that she would have to undertake that she will not indulge any future litigation, which curtails the constitutional guarantee to pursue the legal remedies, is patently illegal and cannot be countenanced. The First Respondent shall permit the Petitioner to join duty at the transferred place having regard to the aforesaid aspects of the matter.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

dm

To

1. The District Project Officer,
(Integrated Child Development Scheme),
Sai Nagar, Vellore,
Vellore District.



2. The Child Development Project Officer,
Pillaiyar Koil Street, Pudupet,
Gudiyattam - 632 602,
Vellore District.

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+1cc to Government Pleader SR. No.9006

+1cc to Mr.K.A.Ravindran, Advocate SR. No.9094

W.P. No. 4508 of 2017

NK (CO)

PR (10/03/2022)