



W.P.No.148 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

**W.P.No.148 of 2023
and
W.M.P.No.139 of 2023**

M.Palanisamy

... Petitioner

Vs.

1.The Additional Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Fort St.George,
Chennai - 600 009.

2.The Director of Adi-Dravidar Welfare,
Chepauk,
Chennai - 5.

3.The District Collector,
Dharmapuri District,
Dharmapuri.

4.The District Adi-Dravidar & Tribal Welfare Officer,
Dharmapuri District,
Dharmapuri.

5.Tmt.R.K.Kavitha,
The District Adi-Dravidar & Tribal Welfare Officer,
Dharmapuri District,
Dharmapuri.

... Respondents



PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings of the 2nd respondent in Na.Ka.No.O3/34498/2022 dated 26.12.2022 and the consequential orders of the 4th respondent in Na.Ka.No.13183/2022/Ko2 dated 27.12.2022 and quash the same and direct the respondents to continue the petitioner in the post of 'Warden' at Dharmapuri District with all monetary benefits.

For Petitioner : Mr.S.Kamadevan

For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader
for R1 to R4

R5 - Dispense with

ORDER

The grievance of the petitioner in this Writ Petition is that he has been arbitrarily and illegally transferred under the impugned order, despite the fact that he has submitted an explanation to the alleged irregularities pointed out by the respondents. According to him, only on administrative exigencies, the respondents can transfer the petitioner. However, as a punishment, the respondents have passed the impugned transfer order.



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2. The petitioner also claims that he losses the seniority, if he is transferred from Dharmapuri to Vellore.

3. At this stage, this Court, based on the available records and after hearing the submissions made by the Additional Government Pleader appearing for the respondents, cannot interfere with the impugned transfer order. The same was also expressed to the learned counsel for the petitioner, who would now submit that the petitioner will be satisfied if the representation of the petitioner dated 26.12.2022, seeking for revocation of the impugned transfer order is considered on merits and in accordance with law by the respondents. No prejudice would be caused to the respondents, if such a direction is issued by this Court.

4. Heard Mr.S.Kamadevan, learned counsel for the petitioner and Mr.Stalin Abimanyu, learned Additional Government Pleader accepts notice on behalf of R1 to R4. Since no adverse orders are passed against the fifth respondent, notice to the fifth respondent is dispensed with.



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5. This Court is not expressing any opinion on the merits of the petitioner's representation.

6. For the foregoing reasons, this Court directs the first respondent to pass final orders on merits and in accordance with law, on the petitioner's representation dated 26.12.2022, seeking for revocation of the impugned transfer order dated 26.12.2022, within a period of four weeks from the date of receipt of a copy of this order.

7. With the aforementioned directions, this Writ Petition is disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

05.01.2023

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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To

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ABDUL QUDDHOSE. J.,

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**05.01.2023
(1/2)**